F. & D. No. 113-c. Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1423.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On December 1, 1911, Joseph F. Lewis, of Manassas, Va., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. Wm. C. Woodward, Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As it appeared from the findings of the analyst and report made that the said milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Joseph F. Lewis was afforded an opportunity for hearing, and as it appeared after the hearing was held that the said sale was made in violation of the act, the said Health Officer reported the facts to the United States Attorney for the District of Columbia.

In due course a criminal information against the said Joseph F. Lewis was filed in the Police Court of the District of Columbia, charging that the milk was adulterated, in that a valuable constituent of the article, to wit, butter fat, had been left out and abstracted in whole or in part therefrom.

On January 3, 1912, the defendant entered a plea of guilty and the court imposed a fine of $10.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1912.*

33660°—No. 1423—12

F. & D. No. 114–c. Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1424.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On or about October 31, 1911, Eli N. Hershey, treasurer and manager of the Hershey Creamery Co., Harrisburg, Pa., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. Wm. C. Woodward, Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As it appeared from the findings of the analyst and report made that the said milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Eli N. Hershey was afforded an opportunity for hearing, and as it appeared after the hearing was held that the said sale was made in violation of the act, the said Health Officer reported the facts to the United States Attorney for the District of Columbia.

In due course a criminal information against the said Eli N. Hershey was filed in the Police Court of the District of Columbia, charging that the milk was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance.

On January 4, 1912, the defendant entered a plea of not guilty, but upon trial was found guilty and the court imposed a fine of $25.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1912.*

33660°—No. 1424—12

F. & D. No. 115–c. Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1425.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CREAM.

On December 13, 1911, John P. Ray, jr., of Oakdale, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. Dr. Wm. C. Woodward, Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As it appeared from the findings of the analyst and report made that the said cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said John P. Ray, jr., was afforded an opportunity for hearing, and as it appeared after the hearing was held that the said sale was made in violation of the act, the said Health Officer reported the facts to the United States Attorney for the District of Columbia.

In due course a criminal information against the said John P. Ray, jr., was filed in the Police Court of the District of Columbia, charging that the cream was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance.

On January 22, 1912, the defendant entered a plea of guilty and the court imposed a fine of $10.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1912.*

33660°—No. 1425—12

F. & D. No. 1832.
S. No. 649.

Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1426.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF ICE CREAM CONES.

On September 16, 1910, the United States Attorney for the Northern District of Texas, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, praying condemnation and forfeiture of 162 cases of ice cream cones, 148 of which were in the possession of the Binyon Transfer & Storage Co. subject to the order of the Alta Vista Creamery Co., and 14 cases of said product on the premises of the said Alta Vista Creamery Co., Fort Worth, Tex. Each package was labeled: "Alta Vista Cr. Co. Ft. Worth, Texas" and the inside boxes or unit packages were labeled "Ice Cream Cones made especially for the Alta Vista Creamery Company, Ft. Worth, Texas."

The libel alleged that the product, after shipment by the Star Wafer Co., Oklahoma City, Okla., from the State of Oklahoma into the State of Texas, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that the product contained a poisonous and deleterious ingredient injurious to health, to wit, boric acid.

On November 10, 1910, the case coming on for hearing and no one having appeared as claimant or made answer, and it further appearing that the marshal had seized 155 cases of the aforesaid product, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1912.*

33660°—No. 1426—12

F. & D. Nos. 1811, 1888, and 1937.
I. S. Nos. 16414–b, 3308–c, and 18248–b. Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1427.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CATSUP; ADULTERATION OF TOMATO CATSUP; ADULTERATION OF CATSUP.

On November 29, 1911, the United States Attorney for the District of New Jersey, acting upon a report from the Secretary of Agriculture, filed an information in four counts in the District Court of the United States for said district against Henry B. Corey and The Farmer's Loan & Trust Co., doing business under the firm name of Alart & McGuire, of New York City, conducting and carrying on business at Williamstown, in the State of New Jersey, alleging violations of the Food and Drugs Act on the dates and in the manner following:

On February 2, 1910, shipment from the State of New Jersey into the State of Pennsylvania of a quantity of catsup which was adulterated and misbranded. The product was labeled: "Hottentot Catsup. This condiment is prepared from selected ripe tomatoes, flavored with distilled vinegar, sugar and choice spices, and contains .001 benzoate of soda. No artificial coloring used. Serial No. 1281. Prepared by Alart & McGuire, New York. Specially prepared to suit the demands for a highly spiced and seasoned condiment; only the purest of ingredients used in this mixture. Absolutely guaranteed." An analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Yeasts and spores 70 per one-sixtieth cmm; bacteria 200,000,000 per cc; molds in about two-thirds of the microscopic fields. Adulteration was alleged in the second count of the information against this product because it consisted in part of a filthy, decomposed, or putrid animal or vegetable substance, to wit, tomatoes containing yeast, spores, bacteria, and molds. Misbranding was alleged in the first count of the information against said product because the label thereon conveyed the impression that said product was made only of the purest ingredients and that it was prepared from selected ripe tomatoes, to wit, clean, choice, fresh, sound, ripe tomatoes, selected with great care, whereas in fact the said product

contained a considerable amount of core tissue and débris, indicating that the said product was made from very inferior stock, whereas and by reason whereof the purchaser would be deceived into believing that the said product was a pure catsup of high quality, commonly being known to the trade and the public in general as the clean, sound product made from properly prepared clean, sound, fresh, ripe tomatoes, with spices and with or without permitted preservatives.

On or about July 20, 1910, shipment from the State of New Jersey into the State of Pennsylvania of a quantity of tomato catsup which was adulterated. The product was labeled: "Extra Spiced Home Made Catsup. Trade O K Mark. This condiment is prepared from selected ripe tomatoes flavored with distilled vinegar, sugar and choice spices. Prepared with .001 Benzoate of Soda. No artificial coloring used. Alart & McGuire, New York." Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Yeasts and spores 105 per one-sixtieth cmm; bacteria numerous, estimated at 190,000,000 per cc; mold filaments in nearly every microscopic field; sand rather abundant and pieces of decayed tissue. Adulteration was alleged in the third count of the information against said product for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts, spores, bacteria, molds, and decayed tissue.

On or about June 1, 1910, shipment from the State of New Jersey into the State of New York of a quantity of catsup which was adulterated. The product was labeled: "Extra Spiced O. K. Catsup. 50. Alart & McGuire, N. Y. 1/10 of 1% Benzoate of Soda used as preservative. W. 5. T. D. Harvey's Sons, Phila., Pa." Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Yeasts and spores 106 per one-sixtieth cmm; bacteria 140,000,000 per cc; molds in nearly every microscopic field. Adulteration was alleged in the fourth count of the information against this product for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts, spores, bacteria, and molds.

On January 8, 1912, the defendants pleaded non vult and were fined $100 on the first count of the information, and sentence was suspended as to the other counts.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 29, 1912.*

1427

○

F. & D. No. 2918.
I. S. No. 4659–c.
Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1428.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CAMPHOR.

On January 8, 1912, the United States Attorney for the Western District of Missouri, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against L. D. Middleton, alleging shipment by him, in violation of the Food and Drugs Act, on or about January 6, 1911, from the State of Missouri into the State of Kansas of a consignment of camphor which was misbranded. The product was labeled: (On bottle) "Camphor. Joplin Chemical Works. L. D. Middleton, Prop. Joplin, Missouri."

Misbranding was alleged for the reason that the cartons and bottles did not contain a statement of the amount of alcohol contained in said bottles of camphor, and that there was contained in each of said bottles 66.6 per cent of alcohol, which fact was not stated upon said cartons or bottles as provided by law.

On January 9, 1912, the defendant pleaded guilty and was fined $10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 29, 1912.*

33664°—No. 1428—12

F. & D. No. 3191.
I. S. No. 2110–d.
Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1429.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "VANILLA FLAVOR."

On January 4, 1912, the United States Attorney for the Western District of Washington, acting upon a report from the Secretary of Agriculture, filed information in two counts in the District Court of the United States for said district against Schwabacher Bros. & Co. (Inc.), a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about June 23, 1911, from the State of Washington into the Territory of Alaska of a quantity of vanilla flavor which was adulterated and misbranded. The product was labeled: "Ivy Brand Flavor of Vanilla. Guaranteed by Schwabacher Bros. & Co. under Food and Drug Act, June 30, 1906. Serial No. 3721. Prepared by Schwabacher Bros. & Co. Incorporated, Seattle, Wash."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Specific gravity 15.6° C/15.6° C	1.0117
Alcohol (per cent by volume)	24.00
Methyl alcohol (per cent by volume)	None.
Glycerol	Present.
Solids, from specific gravity of dealcoholized extract	10.27
Total sugars (grams per 100 cc)	8.30
Sucrose (Clerget) (grams per 100 cc)	7.23
Ash (grams per 100 cc)	.076
Color removed by fuller's earth (per cent)	79.00
Caramel	Present.
Nomal lead number, Winton's	.076
Vanillin (per cent)	.256
Coumarin (per cent)	.034
Resins	None.

Adulteration was alleged in the first count of the information for the reason that an imitation flavor of vanilla had been mixed and packed with said article so as to reduce and lower and injuriously affect the quality and strength thereof, and further that a substance, to wit, an imitation flavor of vanilla, had been substituted in part for the genuine vanilla, and for the further reason that said product was colored in a manner whereby its inferiority was concealed. Misbranding was alleged in the second count of the information for the reason that the product was so labeled and branded as to deceive and mislead, being labeled " Flavor of Vanilla," thereby purporting to be vanilla flavor, when in fact it was not a vanilla extract nor a vanilla flavor, but an imitation flavor of vanilla.

On January 29, 1912, the defendant corporation pleaded guilty and was fined $25 on each count of the information, or a total of $50, together with the costs of the prosecution.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 29, 1912.*

1429

○

F. & D. No. 3103.
I. S. No. 16646–c. Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1430.

(Given Pursuant to Section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "BLACKBERRY CORDIAL."

On January 27, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against Minna W. Rheinstrom, as executrix of the estate of Abraham Rheinstrom, deceased, trading under the name of Rheinstrom Bros., at Cincinnati, Ohio, alleging shipment by her, in violation of the Food and Drugs Act, on or about April 12, 1911, from the State of Ohio into the State of Pennsylvania, of a consignment of blackberry cordial which was adulterated and misbranded. The product was labeled: (On barrel) "(RE) Blackberry Cordial, Harmlessly colored. Guaranteed under the Pure Food and Drugs Act, June 30, 1906, by Rheinstrom Brothers, Cincinnati, Ohio. Cordial. Rheinstrom Bros., Rectifiers and wholesale liquor dealers, 919–944 Martin St., Cincinnati, O. J. M. Benzing, U. S. Gauger, Insp. April 12, 1911." Revenue stamp "E. 112222."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Specific gravity	1.1139
Alcohol (per cent by volume)	9.11
Solids (grams per 100 cc)	29.0
Non-sugar solids (grams per 100 cc)	2.34
Reducing sugars invert (grams per 100 cc)	26.66
Polarization:	
Direct at 28° C	°V —5.0
Invert at 28° C	°V —8.0
Invert at 87° C	0.0
Ash (grams per 100 cc)	0.346
Alkalinity of ash (cc N/10 acid per 100 cc)	34.0
Total acid as citric (grams per 100 cc)	.98

Volatile acid as acetic (grams per 100 cc)	0.18
Total P_2O_5 (mg per 100 cc)	39.0
Methyl alcohol	None.
Benzoic acid	None.
Salicylic acid	None.
Saccharin	None.
Tartaric acid (grams per 100 cc)	.195

No coal tar color.

Misbranding and adulteration were alleged in the information as follows: That said article of food, so contained in said barrels bearing said label and brand, was then and there misbranded in that it was then and there offered for sale and sold as aforesaid, under the distinctive name of another article of food, to wit, blackberry cordial; it then and there being an imitation blackberry cordial, consisting of a solution artificially flavored, colored and preserved; that said article of food, so contained in said barrels, bearing said label and brand, was then and there further misbranded in that it was then and there labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof; that said article of food was then and there further misbranded in that said label and brand on each of said barrels containing the same did then and there bear statements, designs, and devices regarding said article of food and ingredients and substances contained therein, which said statements, designs, and devices were then and there false, misleading, and deceptive, in that they purported and represented said article of food then and there to be blackberry cordial, when in truth and in fact, said article of food was not then and there genuine blackberry cordial, but was an imitation blackberry cordial, consisting of a solution, artificially flavored, colored, and preserved; that said article of food, so contained in said barrels bearing said label and brand, was then and there adulterated in that another substance, to wit, an imitation blackberry cordial, consisting of a solution, artificially flavored, colored, and preserved, was then and there substituted wholly for said article of food, so purporting and representing then and there to be blackberry cordial.

On January 31, 1912, the defendant pleaded guilty and was fined $25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 1, 1912.*

1430

○

F. & D. No. 3063.
I. S. No. 6807–c.

Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1431.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CHEESE.

On January 27, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against the S. J. Stevens Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about February 11, 1911, from the State of Ohio into the State of Virginia of a consignment of cheese which was adulterated and misbranded. The product was labeled, "Mayflower Finest Full Cream Cheese."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Water (per cent)	33.33
Fat, by extraction (per cent)	24.90
Protein (N × 6.38) (per cent)	35.12
Ash (per cent)	4.26
Undetermined by difference (per cent)	2.39
	100.00
Refraction of fat at 38.25° C	46.00
Corrected for temperature to 25° C	53.29
Maximum refraction at 25° C. allowable for butter fat	54.00
Minimum fat for full cream cheese, 50 per cent of water-free substance.	
Per cent of fat in this cheese should have been not less than	33.33

Adulteration and misbranding were alleged in the information as follows:

"That said article of food was then and there adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and in violation of said act, in that said article of food was then and there deficient in the proportion of a certain valuable constituent, to wit, fat, which should have been contained therein, and which said valuable con-

stituent, to wit, fat, then, there, and theretofore had been in part abstracted and removed from the milk of which said article of food was made, and from said article of food;

"That said article of food was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and in violation of said act, in the following particulars, to wit:

"First: That said article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof, in that said label and brand was calculated and intended to, and it did, create the impression and belief in the mind of the purchaser thereof that said article of food was then and there "Finest Full Cream Cheese;" whereas, in truth and in fact, said article of food was not then and there full cream cheese, but a cheese deficient in fat, having been made from milk from which part of the fat, a valuable constituent thereof, had been abstracted and removed.

"Second: That said label and brand on said article of food did then and there bear a statement regarding said article of food, and the ingredients and substances contained therein, which said statement, to wit, "Finest Full Cream Cheese," was then and there false, misleading, and deceptive, in that said statement represented said article of food then and there to be full cream cheese; whereas such was not the fact, and said statement was untrue and false, for the reason that said article of food was not then and there full cream cheese, but a cheese deficient in fat, having been made from milk from which part of the fat, a valuable constituent thereof, had been abstracted and removed."

On January 31, 1912, the defendant pleaded guilty and was fined $25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 1, 1912.*

1431

○

F. & D. No. 3008.
I. S. No. 11379–c.

Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1432.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CREME DE MENTHE CHERRIES.

On January 31, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against Minna W. Rheinstrom, as executrix of the estate of Abraham Rheinstrom, deceased, trading and doing business under the name and style of Rheinstrom Bros., alleging shipment by her, under the Food and Drugs Act, on or about February 5, 1910, from the State of Ohio into the State of New York of a quantity of "Crême de Menthe" cherries, which were misbranded. The product was labeled "Augourmet Brand Crême de Menthe Cherries artificially colored keep on ice after opening."

Analysis of sample of said product made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results:

Solids (grams per 100 cc)	45.0
Alcohol	None.
Oil peppermint	Trace.
Polarization:	
Direct, 22° C	−12.0
Invert, 22° C	−12.0
Invert, 87° C	0.0
Benzoic acid	None.
Boric acid	None.
Salicylic acid	None.
Color: Corresponds to mixture Light Green S F and Naphthol Yellow S.	

Misbranding was alleged in the information as follows:

"First, That said article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof, in that said

label and brand was calculated and intended to, and it did, create the impression and belief in the mind of the purchaser thereof, that said article of food then and there contained or was flavored with a certain liqueur, commonly known as 'Crême de Menthe,' or that said article of food was packed or preserved in said liqueur; whereas, in truth and in fact, said article of food then and there did not contain said liqueur, and was not flavored with, nor packed, nor preserved in said 'Crême de Menthe' liqueur;

"Second, That said label and brand, on said article of food, did then and there bear a statement regarding said article of food, and the ingredients and substances contained therein, which said statement, to wit, 'Crême de Menthe Cherries,' was then and there false, misleading, and deceptive, in that said statement represented said article of food then and there to contain a liqueur, commonly known as 'Crême de Menthe,' or to be flavored with or packed or preserved in said liqueur; whereas, in truth and in fact, said article of food did not contain said 'Crême de Menthe' liqueur, nor was it flavored with, nor packed, nor preserved in said liqueur, and the said statement therefore was then and there untrue and false."

On January 31, 1912, defendant pleaded guilty and was fined $25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 1, 1912.*

1432

O

F. & D. No. 2482.
I. S. No. 11812–c.

Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1433.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF GINGER EXTRACT.

On January 25, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against Minna W. Rheinstrom, as executrix of the estate of Abraham Rheinstrom, deceased, trading and doing business under the name of Rheinstrom Bros., alleging shipment by her, in violation of the Food and Drugs Act, on or about October 19, 1910, from the State of Ohio into the State of Pennsylvania, of a quantity of ginger extract which was adulterated and misbranded. The product was shipped in a cask labeled: (On head) "Ginger." (On opposite end) "Ginger Extract made from Root. A Dilute. (Guaranty legend) Rheinstrom Bros., Cincinnati, Ohio."

Analysis of a sample of said product made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results: Solids (grams per 100 cc), 0.64; alcohol, 56 per cent; capsicum, negative; color, caramel. Adulteration was alleged for the reason that another substance, to wit, a highly dilute solution of alcohol, and the alcohol soluble matters from ginger had been substituted wholly for the article represented on the label to be genuine ginger extract, and said dilute solution had been packed with said product so as to reduce and lower and injuriously affect the quality and strength thereof, and also because said product had been colored artificially in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the product was labeled so as to deceive and mislead the purchaser thereof, in that the label created the impression that the article was ginger extract which conformed to the known and recognized standards of quality and

strength thereof, when in fact said product was not such standard ginger extract but was a highly dilute solution of inferior quality and strength composed of alcohol and the alcohol soluble matters from ginger in small, inconsiderable, and insufficient quantities, and further, because the label was false and misleading in that it represented the product to be a ginger extract, as such product is understood, known and recognized by the trade and the public generally, when in fact the product was not as represented.

On January 31, 1912, the defendant pleaded guilty and was fined $25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 2, 1912.*

1433

O

F. & D. No. 2239.
I. S. No. 3175–c.
Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1434.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SALAD OIL.

On February 27, 1911, the United States Attorney for the Western District of Washington, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against Schwabacher Bros. & Co. (Inc.), a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 15, 1910, from the State of Washington into the State of Oregon, of a quantity of salad oil which was misbranded. The product was labeled: "Durand Salad Oil. Silver Shield. Schwabacher Bros. & Co., Inc., Distributors, Seattle, Wash. Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 3721."

Analysis of a sample of said product made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results:

Index of refraction at 25° C	1.4705
Iodin number	107.0
Halphen test for cottonseed oil	Positive.
Peanut oil test	Negative.
Sesame oil test	Negative.

Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that it conveyed the impression that the article was olive oil, when in fact it was cottonseed oil, and the said label was therefore false and misleading.

On January 29, 1912, the defendant, by its attorney, pleaded guilty and was fined $25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 2, 1912.*

33703°—No. 1434—12

F. & D. No. 2455.
I. S. Nos. 10045–c and 10047–c. Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1435.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF APRICOT AND BLACKBERRY BRANDY.

On July 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pure Food Distilling Co., a corporation, alleging the shipment by it, in violation of the Food and Drugs Act, on or about November 31, 1910, from the State of Missouri into the State of Illinois of a quantity of apricot brandy and blackberry brandy which were adulterated and misbranded. The apricot brandy was labeled: "P. F. D. Apricot Brandy A compound Absolutely pure. Highest Quality Pure Food Distilling Co., St. Louis Missouri." The blackberry brandy was labeled: "P. F. D. Blackberry Brandy Absolutely Pure Highest Quality Pure Food Distilling Co., St. Louis, Missouri."

Analysis of a sample of each of said products made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

I. S. No. 10045–c (Apricot Brandy).

Solids, evap. (grams per 100 cc)		29.1
Lead precipitate		none
Sucrose (Clerget) (per cent)		25.62
Reducing sugars as invert after inversion (grams per 100 cc)		28.51
Polarization direct at 24° C	°V	25.0
Polarization invert at 24 C°	°V	—8.6
Polarization invert at 87° C	°V	zero
Ash (grams per 100 cc)		.008
Alcohol (per cent by volume)		31.33
Glucose		none
Color		caramel
Color removed by fuller's earth (per cent)		64
Specific gravity 15.5° C		1.076

I. S. No. 10047–c (Blackberry Brandy).

Solids, evap. (grams per 100 cc)	35.4
Lead precipitate, moderately heavy, but not green.	
Reducing sugars as invert after inversion (grams per 100 cc)	28.50
Nonsugar solids (grams per 100 cc)	6.90
Glucose (factor 163) (grams per 100 cc)	5.50
Polarization direct at 24° C °V	4.9
Polarization invert at 24° C °V	4.6
Polarization invert at 87° C °V	8.0
Ash (grams per 100 cc)	.96
Water soluble ash (grams per 100 cc)	.40
Water insoluble ash (grams per 100 cc)	.56
Alkalinity of soluble ash (cc 10/N acid 100 cc)	24.0
Alkalinity of insoluble ash (cc 10/N acid 100 cc)	130.0
Alcohol (per cent by volume)	7.85
Specific gravity 15.6° C	1.127
Color, a vegetable coloring matter not blackberry present, and also a color giving reactions of cochineal.	

Adulteration was alleged in the first count of the information against the apricot brandy for the reason that an imitation apricot cordial, artificially colored with caramel, had been substituted wholly or in part for the article described on the label as apricot brandy, and also because the product was artificially colored in a manner whereby its inferiority was concealed. Misbranding was alleged against said product in the second count of the information for the reason that the label on said product was false and misleading and would lead the purchaser to believe that said product was apricot brandy absolutely pure and of the highest quality, when in fact said product was an imitation of and was offered for sale under the distinctive name of another article, to wit, apricot brandy, and further, because the label would lead the purchaser to believe that said product conformed to the commercial concept and standard of apricot brandy, when in fact said product was an adulteration.

Adulteration was alleged in the third count of the information against the blackberry brandy because an imitation blackberry cordial, artificially colored, made from commercial glucose, had been substituted wholly or in part for the article described on the label as blackberry brandy, and further, because said product was artificially colored in a manner whereby its inferiority was concealed. Misbranding was alleged against said product in the fourth count of said information because the label was false and misleading, in that it would lead the purchaser of the product to believe that it was blackberry brandy, absolutely pure and of the highest quality, when in fact the product was an imitation of and was offered for sale under the distinctive name of another article, to wit, blackberry

brandy, and further because said label would lead the purchaser of the product to believe that it conformed to the commercial concept and standard of and was blackberry brandy, when in fact said product was an adulteration and imitation thereof.

On January 29, 1912, the defendant pleaded guilty and was fined $10 on each count of the information, or a total of $40 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 2, 1912.*

1435

F. & D. No. 3049.
I. S. No. 10528–c. Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1436.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO CATSUP.

On December 21, 1911, the United States Attorney for the District of New Jersey, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against A. C. Soper & Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 20, 1910, from the State of New Jersey into the State of New York, of a quantity of tomato catsup which was adulterated. The product was labeled: "A. C. Soper & Co., Long Island Brand Ketchup Made from Tomato Pulp, Spices, Flour, Salt. Preserved with approximately 1/5 to 1% Benzoate of Soda. New York."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Yeasts and spores 105 per one-sixtieth cmm; bacteria 173,000,000 per cc; mold filaments in 79 per cent of the fields. Adulteration was alleged for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, tomatoes containing yeasts, spores, bacteria, and molds.

On January 22, 1912, the defendant entered a plea of non vult and was fined $50.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 4, 1912.*

33703°—No. 1436—12

○

F. & D. No. 3119.
S. No. 1136. Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1437.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On October 31, 1911, the United States Attorney for the Eastern District of New York, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 35 cases of tomato pulp in the possession of Marwell Bros., Brooklyn, N. Y. The product was labeled: "Emerson Brand Tomato Pulp for Soup. Packed by B. S. Ayars & Sons Co. Bridgeton, N. J."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Mold filaments in 72 per cent of the microscopic fields examined; yeasts and spores 30 per one-sixtieth cubic millimeter; bacteria about 15,000,000 per cubic centimeter. The libel alleged that the product, after shipment by B. S. Ayars & Sons Co., Bridgeton, N. J., from the State of New Jersey into the State of New York, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy and decomposed vegetable substance, and was therefore liable to seizure for confiscation.

On January 25, 1912, the case coming on for hearing, and no one having appeared as claimant or filed answer, the court found the product adulterated as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 4, 1912.*

33703°—No. 1437—12

F. & D. No. 982.
I. S. No. 23119–a

Issued May 18, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1438.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF PRESERVED WHOLE EGG.

On January 1, 1910, the United States Attorney for the Eastern District of Missouri, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Hipolite Egg Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about May 23, 1908, from the State of Missouri into the State of Illinois of a quantity of preserved whole egg which was adulterated. The product was labeled (liquid eggs) "Preserved Whole Egg Prepared by Hipolite Egg Company, 7 South Second St., St. Louis, Mo. For Thomas & Clarke. Peoria, Ills." (stamp) "Guaranteed Serial No. 20959".

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain 1.70 per cent boric acid. Adulteration was alleged for the reason that the product contained an added poisonous and deleterious ingredient which rendered the said product injurious to health, to wit, boric acid, and for the further reason that the said eggs had been mixed and packed with boric acid so as to injuriously affect their quality.

On January 29, 1912, judgment by default was entered and a fine of $100 and costs was imposed upon the defendant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 9, 1912.*

35210°—No. 1438—12

○

F. & D. No. 3244.
I. S. No. 17603–c. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1439.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MARASCHINO CHERRIES.

On January 9, 1912, the United States Attorney for the District of Minnesota, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Stone-Ordean-Wells Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about September 2, 1910, from the State of Minnesota into the State of Montana, of a quantity of maraschino cherries which were misbranded. The product was labeled: "Guaranteed by Stone Ordean Wells Co., under Serial No. 23539—Colored with Cochineal—Lake Hiawatha Brand—Keep in ice after using—Red Maraschino Cherries—Packed for Stone Ordean Wells Co., Duluth, Minnesota."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Alcohol, by volume, 0.1 per cent; sulphites solids, none; color, cochineal; (contents): solids (238 grams), juice (146 grams). Misbranding was alleged for the reason that said "maraschino cherries" were in imitation of and offered for sale under the distinctive name of another article, to wit, genuine maraschino cherries, which had heretofore been packed and mixed with genuine maraschino liqueur; whereas said maraschino cherries were not genuine maraschino cherries, but were, in fact, cherries which had been packed in a syrup not flavored with maraschino. Misbranding was further alleged for the reason that the label represented the product to be genuine maraschino cherries, which said label was false and misleading and deceptive in that it led the purchaser to believe that said article was packed in genuine maraschino liqueur, or in liquid flavored with that substance, when in fact said maraschino cherries were packed in syrup not flavored with maraschino.

On January 11, 1912, the defendant pleaded guilty and was fined $5.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 9, 1912.*

35210°—No. 1439—12

F. & D. Nos. 1214 and 1294.
I. S. Nos. 4628-b and 10039-b.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1440.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BLACKBERRY CORDIAL.

(TWO CASES.)

On July 7, 1910, the United States Attorney for the Southern District of Ohio, acting upon reports from the Secretary of Agriculture, filed two informations in the District Court of the United States for said district against the Bettman-Johnson Co., a corporation, alleging violations by it of the Food and Drugs Act on the dates and in the manner following:

On or about January 25, 1909, shipment from the State of Ohio into the State of California of a quantity of blackberry cordial which was adulterated and misbranded. The product was labeled "Peerless Cordial Blackberry, Artificial Flavor, Containing harmless Color and less than one tenth of one per cent benzoate of soda." That the words "Peerless Cordial Blackberry," aforementioned, then and there formed the principal part of said label and brand, and were then and there printed, stamped, and branded on the end of each of said barrels, as aforesaid, in large and conspicuous type, varying in height from one and one-fourth inches ($1\frac{1}{4}''$) to one and three-fourths inches ($1\frac{3}{4}''$); that the remaining words appearing on said label and brand, as aforesaid, were subordinate to said principal label, and were printed, stamped, and branded on said barrels, as aforesaid, in type smaller than that of said principal label, and varying in height from three-eighths of one inch ($\frac{3}{8}''$) to five-eighths of one inch ($\frac{5}{8}''$). Analysis of a sample of said product made by the Bureau of Chemistry of

the United States Department of Agriculture showed the following results:

Specific gravity	1.0866
Alcohol (per cent by volume)	8.95
Solids (per cent)	23.3
Reducing sugar, invert (per cent)	17.6
Polarization, direct, temperature 20° C. V °..	+18.0
Polarization, invert, temperature 20° C. V °..	+17.2
Polarization, invert, 87° C. V °..	+17.0
Ash, total (per cent)	.456
Ash, soluble in water (per cent)	.400
Ash, insoluble in water (per cent)	.056
Alkalinity of soluble ash (cc N/10 acid 100 cc)	15.0
Alkalinity of insoluble ash (cc N/10 acid 100 cc)	14.0
Acid, as tartaric (cc N/10 KOH per 100 cc)	94.4
Volatile acid, as acetic (cc N/10 KOH per 100 cc)	47.0
Fixed acid, as tartaric (cc N/10 KOH per 100 cc)	47.4
Glucose (per cent)	10.4
Color—Anilin, Ponceau 3 R.	
Preservative—salicylic acid	None.
benzoic acid (per cent)	.096
Saccharin	Present.

Found to be an imitation blackberry cordial made in part from glucose, and to contain artificial color used to simulate the color of blackberry cordial, and preserved with benzoate of soda. Also contains saccharin, which is not permitted.

Adulteration of said product was alleged for the reason that another substance, to wit, an imitation blackberry cordial which was artificially flavored and colored had been substituted wholly for said article represented to be blackberry cordial. Misbranding was alleged for the reason that said product was offered for sale and sold under the distinctive name of another article of food, to wit, blackberry cordial, it being an imitation blackberry cordial. Misbranding was further alleged for the reason that the label represented the product to be blackberry cordial when in fact it was not genuine blackberry cordial but was an imitation blackberry cordial, artificially flavored and colored, and the representation on the label was therefore false and misleading and calculated to deceive and mislead the purchaser of the product.

On or about November 8, 1909, shipment from the State of Ohio into the State of Illinois of a quantity of so-called blackberry cordial which was adulterated and misbranded. The product was labeled: "L. Sonnenschein Distributers, Eclipse Cordial Blackberry, Artificial Flavor, Containing Harmless Color & Less than one tenth of one per cent of benzoate of soda. Chicago, Ills." Analysis of a sample of said product made by the Bureau of Chemistry of the

United States Department of Agriculture showed the following results:

Specific gravity	1.1028
Alcohol (per cent by volume)	8.24
Solids (grams per 100 cc)	26.6
Sucrose	None.
Polarization, direct 20° C.	° V+20.8
Polarization, invert 20° C.	° V+20.0
Polarization, invert 87° C.	° V+19.6
Ash (grams per 100 cc)	.68
Ash, soluble in water (grams per 100 cc)	.60
Ash, insoluble in water (grams per 100 cc)	.08
Alkalinity of soluble ash (cc N/10 acid 100 cc)	25.2
Alkalinity of insoluble ash (cc N/10 acid 100 cc)	24.0
Acid, tartaric, total (grams per 100 cc)	.48
Volatile acid, as acetic (grams per 100 cc)	.134
Fixed acid (grams per 100 cc)	.35
Benzoic acid	Present.
Sodium benzoate (per cent)	.12
Saccharin	Present.
Color—Artificial Amaranth 107 S & J.	
Esters	.098
Salicylic acid	None.
Color removed by fuller's earth (per cent)	15
Reducing sugar as invert (per cent)	22.8

Adulteration was alleged against said product for the reason that another substance, to wit, an imitation blackberry cordial consisting of a fermented solution of starch sugar, artificially flavored, colored, and preserved, had been substituted wholly for said article represented to be blackberry cordial. Misbranding was alleged for the reason that said product was offered for sale and sold under the distinctive name of another article of food, to wit, blackberry cordial, consisting of a fermented syrup of starch sugar artificially flavored, colored, and preserved. Misbranding was further alleged for the reason that the label bore statements and designs regarding said article and the ingredients and substances contained therein which were false, misleading, and deceptive, and calculated to deceive and mislead the purchaser in that they purported and represented said article of food to be blackberry cordial when in fact said article of food was not genuine blackberry cordial but was an imitation blackberry cordial consisting of a fermented solution of starch sugar artificially flavored, colored, and preserved.

On July 18, 1910, the Bettman-Johnson Co. filed its appearance in both cases. The pleadings filed therein and the order thereof were identical in each case, with the exception of the dates on which they were filed and entered, and were as follows, except that the

dates given are those on which the said pleadings were filed and orders entered in case of the shipment of blackberry cordial on January 25, 1909:

On September 26, 1910, the defendant filed a motion to quash the information on the ground that it was not supported by proof establishing probable cause because it contained no venue and the affidavits in support thereof were defective. The said motion was argued and submitted to the court, and thereafter, to wit, on November 8, 1910, the court entered an order granting said motion but allowing the United States Attorney to amend the information by filing new amended affidavits, which was accordingly done on January 13, 1911.

On February 1, 1911, the defendant filed a motion to quash the information as amended, which the court overruled on February 6, 1911, to which ruling the defendant duly excepted, and thereafter, on February 8, 1911, filed a demurrer to the information on the ground of insufficiency of certain affidavits, which demurrer was sustained by the court, but with leave to the United States Attorney to file additional affidavits in support of the information, which was done on April 20, 1911. On April 20, 1911, the defendant filed a demurrer to the information as last amended, which was overruled by the court on September 30, 1911; and thereafter, to wit, on October 6, 1911, the defendant was arraigned and entered a plea of not guilty. On October 10, 1911, the defendant withdrew its plea of not guilty and entered a plea of nolo contendere; and thereafter, to wit, on February 2, 1912, the court fined the defendant $25 and costs in each case, or a total of $50 in fines.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *March 30, 1912.*

1440

○

F. & D. Nos. 3015 and 3140.
S. Nos. 1097 and 1144.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1441.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

On November 2, 1911, the United States Attorney for the Northern District of Iowa, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 75 barrels of vinegar in the possession of John T. Hancock Co., a corporation, of Dubuque, Iowa. The product was labeled: "John T. Hancock Company, Faultless Pure Cider Vinegar Dubuque, Ia.—Guaranteed Cider Vinegar 4½ Percentum—Spielmann Bros. Co., Mfrs., 6095."

Analysis of two samples of said product, numbered I. S. 3839–d and 3834–d respectively, made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results:

I. S. No. 3839–d.

Alcohol (per cent by volume)	0.10
Glycerol (grams per 100 cc)	.14
Solids (grams per 100 cc)	1.98
Nonsugar solids (grams per 100 cc)	1.21
Reducing sugar as invert before inversion after evaporation (grams per 100 cc)	.77
Per cent sugar in solids after evaporation	39
Polarization, direct ° V.	−.9
Ash (grams per 100 cc)	.32
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	31.4
Total phosphoric acid (mg. per 100 cc)	22.0
Total acid, as acetic (grams per 100 cc)	4.59
Volatile acid, as acetic (grams per 100 cc)	4.58
Fixed acid, as malic (grams per 100 cc)	.01
Lead precipitate	light
Color on 0.5 in. brewer's scale (degrees)	6.0
Ratio ash to nonsugar solids	1:3.8
Color removed by fuller's earth (per cent)	55

I. S. No. 3834–d.

Glycerol (grams per 100 cc)	0.15
Solids (grams per 100 cc)	1.66
Nonsugar solids (grams per 100 cc)	0.94
Reducing sugar as invert before inversion after evaporation (grams per 100 cc)	0.72

Per cent sugar in solids	43.38
Polarization direct	° V. —1.1
Ash (grams per 100 cc)	0.31
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	34.4
Total phosphoric acid (mg. per 100 cc)	27.9
Total acid, as acetic (grams per 100 cc)	4.47
Volatile acid, as acetic (grams per 100 cc)	4.46
Fixed acid, as malic (grams per 100 cc)	0.01
Lead precipitate	slight amount
Color on 0.5 inch brewer's scale (degrees)	6.0
Color removed by fuller's earth (per cent)	64
Ratio ash to nonsugar solids	1:3.0

The libel alleged that the product, after transportation from the State of Illinois into the State of Iowa, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration and misbranding were alleged in the libel in form as follows: "For the reason that the said barrels, and each of them, do not contain pure cider vinegar as they purport to contain and the branding and labeling of the said barrels as representing that the said barrels each contain pure cider vinegar is misleading and false, so as to deceive and mislead the purchaser, and the said barrels, and each of them, bear a statement regarding the ingredients or substances contained therein, which statement is false and misleading, and the said barrels, and each of them, do not contain pure cider vinegar, but consists wholly or in part of distilled vinegar, or dilute solution of acetic acid and a material high in reducing sugars and foreign mineral matter, which has been mixed and prepared in imitation of cider vinegar, and said barrels contain an article of food that contains deleterious ingredients.

On December 5, 1911, Spielmann Bros. Co. entered their appearance and filed exceptions to the libel, which exceptions were overruled by the court. Thereafter, on December 9, 1911, the said Spielmann Bros. Co. filed an amended and substituted answer to the said libel, whereupon the attorney for libellant filed exceptions to part of the aforesaid amended and substituted answer. The case coming on for hearing on December 11, 1911, on the said answer and exceptions thereto, the court sustained the exceptions in the following opinion in which is stated those allegations of the answer to which the Government, by its attorney, excepted:

REED, District Judge:

In this case the United States have filed a libel of information against seventy-five barrels of vinegar, which it is alleged were shipped from the state of Illinois into the state of Iowa, and held in the latter named state within the jurisdiction of this court by the John T. Hancock Company at Dubuque, Iowa, and were being offered for sale for food consumption by that company in violation of the Food and Drug Act of Congress approved June 30th 1906, 34 Stat. 768.

Spielmann Brothers Company, a corporation of Illinois, has intervened in said proceedings, and claims to be the owner of said vinegar; admits that it was shipped from Illinois to Dubuque in the state of Iowa, and was being held at Dubuque by said John T. Hancock Company, a corporation; but denies that the same was shipped, or is being held or offered for sale in violation of said act of Congress.

It further alleges that a sample of said vinegar was obtained by the Bureau of Chemistry of the Department of Agriculture and was analyzed by said Bureau, or under its directions, and found, in the opinion of said Bureau, or the analyst of said sample, to be adulterated and misbranded within the meaning of said act of Congress: and a report and certificate to that effect made by the Secretary of Agriculture and forwarded by him to the U. S. Attorney for this district, who upon such report and certificate alone, instituted this suit under Section 10 of said act, as directed by Section 5 thereof, for the condemnation and forfeiture of said vinegar.

It is then alleged in Article 6 of its substituted answer or claim as a defense to the proceedings, that the Secretary of Agriculture failed to give notice to the person from whom the sample of said vinegar was procured, or to this claimant, or to any other person, that such sample of vinegar had been analyzed by the Bureau of Chemistry, or under its direction, and found to be adulterated or misbranded, and an opportunity given to them to be heard upon the question of adulteration, or misbranding of said vinegar, before this proceeding was commenced: and prays that the suit be dismissed and said property restored to the claimant.

To so much of the allegations of the claimant corporation, as alleges the failure of the Secretary of Agriculture to give the notice required by Section 4 of said act, and afford to it, or to the person from whom said sample was obtained, an opportunity to be heard before the Department of Agriculture prior to the commencement of this proceedings, the Government excepts for the reason that the same constitutes no defense to this proceedings.

It is contended in behalf of the claimant company that when a proceeding of this character is instituted by the United States Attorney, solely upon the report and certificate of the Secretary of Agriculture to him of a violation of said act, and not upon his own initiative, or upon information furnished to him by the local authorities, that such proceedings cannot be sustained unless the Secretary of Agriculture has prior to the commencement of such proceedings, in fact given the notice and afforded to the person from whom the sample was obtained an opportunity to be heard as provided in Section 4 of said act: and the cause of the United States v Twenty cases of grape juice, Flickinger & Co. claimants, 189 Fed. 331, decided May 8, 1911, by the Circuit Court of Appeals of the Second Circuit, is cited in support of such contention. That case supports the contention of the claimant, upon the ground as it would seem, that because it is the practice of the Government to make an investigation through the proper executive department of alleged violations of the laws of the United States, before commencing criminal proceedings against the alleged offender, or proceedings for the forfeiture of property shipped, or offered for sale in violation of law. Admitting that such is the practice of the Government, it cannot be that it is the right of an alleged offender to have such investigations made before he can be indicted for an alleged offense or proceedings commenced against him, or property which has been shipped or offered for sale in violation of law; for its condemnation and forfeiture; or that he can plead the failure to make such investigation as a defense to an indictment, or other proceedings for the condemnation of the property so illegally used.

Section 4 of the Food and Drugs Act reads in this way:

"That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act: and if it shall

appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States District Attorney, with a copy of the result of the analysis or the examination of such articles duly authenticated by the analyst or officer making such examination, under the authority of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid."

Section 5 is as follows:

"That it shall be the duty of each District Attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided."

This proceeding is under Section 10 of the act, which need not be set out.

In the case above cited it is conceded that the failure of the Secretary of Agriculture to give the notice and afford the opportunity to be heard, as required by Section 4 of the act, does not limit the authority of the United States Attorney to commence proceedings upon his own initiative and prosecute the same to final determination; but it is held that said section imposes upon the Secretary of Agriculture the duty of making an investigation of the facts before he may rightly make a report and certificate to the United States Attorney for the proper district, of a violation of the act, and before proceedings instituted without such notice and opportunity to be heard, can be sustained. It seems to me that Section 5 of the act imposes upon the United States Attorney of the proper district, the duty of instituting the appropriate proceedings whenever he is informed by the local authorities, or by the report and certificate of the Secretary of Agriculture, that the law has been violated, to commence without delay the appropriate proceedings for the alleged violation of this act. And whenever such information, or report is made to him, he has no discretion but to proceed as directed by that section; and he is not required to investigate and determine whether or not the Secretary of Agriculture has performed his duty under the law.

Just what may be the purpose of the requirement of Section 4, that the Secretary of Agriculture shall give the notice and opportunity to be heard, may not be entirely clear. It will be observed that this section only requires the notice to be given to the person from whom the sample is obtained, who may be only the bailee of the property of which it is a sample and knows nothing of its ingredients, and afford him an opportunity to be heard. This may be for the purpose of ascertaining who is the real violator of the law, if the analysis shows such violation, with a view of affording him an opportunity to discontinue its violation and proceed lawfully in the conduct of his business under the act and the requirements of the Department of Agriculture. However this may be, it does not seem to me that the giving of, or the failure to give, such notice and opportunity to be heard can relieve any violator of the law of the penalties which he may have incurred by reason of its violation; or that the Government is barred from prosecuting him by indictment or commencing proper proceedings for the condemnation and forfeiture of the property illegally manufactured and shipped, or offered for sale. This is the view taken by several of the district courts, viz., Judge Morris in 165 Fed. 966; Judge Dayton in 170 Fed. 449; 454; Judge McPherson in 179 Fed. 983; and Judge Willard in 188 Fed. 471. With the utmost respect for the opinions of the Court of Appeals of the second circuit, I am unable to agree with its conclusion in the case cited.

The notice that is required to be given of the seizure of the property, and of the proceedings for its condemnation, affords ample opportunity to its owner to appear and defend against such proceedings; and if upon the final hearing it is condemned and declared forfeited, he is not deprived of his property without due process of law.

The exceptions of the Government to that part of the answer of the claimant above referred to are allowed and an order will be entered accordingly.

Thereupon a jury was impanelled to whom the case was submitted under general instructions of the court after the introduction of testimony on behalf of the libellant and defendant and argument of counsel, and the jury returned a verdict for the Government.

On December 15, 1911, the case coming on to be heard by the court upon the verdict rendered by the jury, the court entered a decree against Spielmann Bros. Co. and G. P. Smith, surety on the cost bond, for the costs of the proceedings, and ordering that the aforesaid product should be sold by the marshal at private or public sale, but with a proviso that the product should be released to the said Spielmann Bros. Co. upon the execution by said company of a bond in the sum of $1,000 conditioned that the product should not be again sold or disposed of contrary to the provisions of section 10 of the Food and Drugs Act.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 3, 1912.*

F. & D. Nos. 3192 and 3281.
I. S. Nos. 2137-d and 2136-d.
Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1442.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PEPPERMINT ESSENCE AND JAMAICA GINGER ESSENCE.

On January 4, 1912, the United States Attorney for the Western District of Washington, acting upon a report from the Secretary of Agriculture, filed an information in four counts in the District Court of the United States for said district against Simon Kreielsheimer, Jacob Kreielsheimer, and Max Kreielsheimer, copartners, doing business as Kreielsheimer Bros., alleging shipment by them, in violation of the Food and Drugs Act, on or about March 2, 1911, from the State of Washington into the Territory of Alaska of a quantity of peppermint essence and essence of Jamaica ginger, both of which were adulterated and misbranded. The peppermint essence was labeled: "Essence of Peppermint. Guaranteed by Kreielsheimer Bros., Seattle, under the Food and Drugs Act, June 30, 1906." The essence of Jamaica ginger was labeled: "Essence of Jamaica Ginger, Guaranteed by Kreielsheimer Bros., Seattle, under the Food & Drugs Act, June 30, 1906."

Analysis of a sample of each of said products made by the Bureau of Chemistry of the Department of Agriculture showed the following results:

I. S. No. 2137-d (Essence of Peppermint).

Specific gravity, 15.6°/15.6°	0.9374
Alcohol (per cent by volume from specific gravity of essence)	48.45
Peppermint oil (per cent by volume)	.83
Coloring matter	turmeric.
Solids (grams per 100 cc)	.055
Ash (grams per 100 cc)	.002
Methyl alcohol	None.

I. S. No. 2136-d (Essence of Jamaica Ginger).

Specific gravity, 15.6°/15.6°	0.9479
Alcohol (per cent by volume)	43.68
Solids (grams per 100 cc)	1.91
Alcohol-soluble solids (grams per 100 cc)	.784

Water-soluble solids (grams per 100 cc)	1.704
Reducing sugars as invert (grams per 100 cc)	.405
Capsicum	present.
Ginger	present.
Ash (grams per 100 cc)	.314

Adulteration was alleged in the first count of the information against the essence of peppermint for the reason that a dilute essence of peppermint of less than one-third standard strength had been mixed and packed with the product in such a manner as to reduce and injuriously affect its quality and strength and had been substituted in part for the genuine article, and further because said product had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in the second count of the information against this product for the reason that it was so labeled and branded as to deceive and mislead, being labeled "Essence of Peppermint", thereby purporting to be peppermint essence, when in fact it was a dilute essence of peppermint of less than one-third standard strength.

Adulteration was alleged in the third count of the information against the essence of Jamaica ginger for the reason that a solution of capsicum had been mixed and packed with said product in such a manner as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the genuine essence of Jamaica ginger.

Misbranding of said product was alleged in the fourth count for the reason that the label thereon was false and misleading, said product being labeled "Essence of Jamaica Ginger", when in fact it was not essence of Jamaica ginger but a mixture of essence of Jamaica ginger and a solution of capsicum, and further, because it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Essence of Jamaica Ginger", when in fact it was not essence of Jamaica ginger, but a mixture of essence of Jamaica ginger and a solution of capsicum.

On January 5, 1912, the defendants pleaded guilty and were fined $25 on each count, or a total of $100, and costs.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 3, 1912.*

○

F. & D. No. 2791.
I. S. No. 14957-c.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1443.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TURPENTINE.

At a term of the District Court of the United States for the Eastern District of Missouri beginning November, 1911, the United States Attorney for said district, acting upon a report from the Secretary of Agriculture, filed information in said court against the American Coffee Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about February 7, 1911, from the State of Missouri into the State of Illinois, of a quantity of turpentine which was adulterated and misbranded. The product was labeled: "Fox Brand Turpentine—Put up for McKnight-Keaton Grocery Co., Cairo, Illinois."

Analysis of a sample of said product made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results:

Specific gravity 24° C.	0.848
Amount not polymerized by sulphuric acid (per cent)	42
Amount not polymerized by sulphuric acid, second determination (per cent)	40
Product evaporates with difficulty when heated.	
Distillation tests:	
Began boiling at 152° C.	
(1) 45 per cent distilled between 152° and 165°.	
(2) 15 per cent distilled between 165° and 170°.	
(3) 15 per cent distilled between 170° and 180°.	
(4) 9 per cent distilled between 180° and 195°.	
(5) Stopped with 16 per cent still undistilled.	
Amount in (4) not polymerized by sulphuric acid (per cent)	56
Amount in (5) not polymerized by sulphuric acid (per cent)	82

Adulteration of said product was alleged for the reason that spirits of turpentine is a medicine recognized in the United States Pharmacopœia under the name of turpentine and is a drug within the meaning

of the Food and Drugs Act, and that said product differed from the standard of strength, quality, and purity laid down in the United States Pharmacopœia official at the time of the shipment of said product, in that some substance which is unidentified had, at the time of said shipment, been largely substituted for turpentine. Misbranding was alleged for the reason that turpentine is a drug product recognized in the United States Pharmacopœia, and that the label on said product bore a statement regarding it which was false and misleading in that said product was represented to be turpentine within the meaning of and as recognized and defined in the United States Pharmacopœia, but on the contrary was a mixture of turpentine and another unidentified substance, and the said label, therefore, was calculated to lead the purchaser to believe that said product was turpentine, when in fact it was not turpentine within the meaning of and as defined in the United States Pharmacopœia but was a mixture of turpentine and said unidentified substance, and said product was not of the strength, quality, and purity as determined by and described in the United States Pharmacopœia and as known and understood by the purchasing public.

On February 1, 1912, the defendant pleaded guilty and was fined $20 and costs.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 9, 1912.*

1443

○

F. & D. No. 2149.
S. No. 772.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1444.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF FROZEN EGGS.

On December 5, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district two libels praying condemnation and forfeiture of 808 cans and 100 cans of frozen eggs in the possession of the Monarch Refrigerating Co., Chicago, Ill., consigned to Bennett, Howard & Co. The product bore no label.

Analysis of two samples of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: (I. S. No. 9333–c) Organisms per cc developing after three days on plain agar at 25° C., 48,000,000; at 37° C., 27,000,000. Gas developed in bile fermentation tubes after three days at 37° C. in 0.0001 cc; 0.00001 cc; 0.000001 cc. *Bacillus coli* group isolated. Odor and appearance poor. Made from spot eggs. Embryos found. (I. S. No. 9334–c) Organisms per cc developing after three days on plain agar at 25° C., 78,000,000; 37° C., 61,000,000. Gas developed in bile fermentation tu es after three days at 37° C. in 0.0001 cc; 0.00001 cc; 0.000001 cc, 0.0000001 cc. *Bacillus coli* group isolated. Odor poor. Appearance very bad. Made of spot eggs. Discolored yolks, embryos, and a large amount of mold present.

The libel alleged that the product, after shipment by Henry Kalcheim & Co., Dallas, Tex., from the State of Texas into the State of Illinois, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance and was therefore liable to seizure for confiscation.

On January 9, 1911, Bennett, Howard & Co. appeared and filed its answer to the libel and gave bond for costs. On motion of the District Attorney the cases were consolidated for trial. On December 7, 1911, answer of the claimants, Bennett, Howard & Co., was

withdrawn and the court entered a decree of default, finding the product adulterated as alleged in the libel and condemning and forfeiting it to the United States, and ordering its destruction by the marshal, but authorizing its release to the claimant, Bennett, Howard & Co., upon payment by said company of all costs and the execution of a bond in the sum of $500, conditioned that the property should not be again sold contrary to law.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 4, 1912.*

1444

○

F. & D. No. 1802.
I. S. No. 10573-b.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1445.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MAPLE SYRUP.

On November 19, 1910, the United States Attorney for the District of Rhode Island, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Huntington Maple Syrup & Sugar Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about November 27, 1909, from the State of Rhode Island into the State of Georgia of a quantity of maple syrup which was adulterated and misbranded. The product was labeled: "A. & P. Pure Maple Syrup. The Great Atlantic & Pacific Tea Co., Distributors, Jersey City. 325 stores in the United States. Serial No. 9244."

Analysis of a sample of said product, made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results:

Total solids	per cent.	67.50	Total ash	per cent.	0.45
Sucrose	per cent.	58.94	Insoluble ash	per cent.	.149
Reducing sugars	per cent.	5.98	Lead number		1.09

The results herein stated show the product to contain not to exceed 90 per cent of maple syrup, probably less; and not less than 10 per cent of cane sugar syrup. Adulteration was alleged for the reason that another substance other than maple syrup had been mixed and packed with the product, to wit, cane syrup, to the extent of 9 per cent, so as to reduce and lower the quality and strength of said article, and said cane syrup had then and there been substituted in part for maple syrup in the composition of the aforesaid product. Misbranding was alleged for the reason that the label bore a statement and device regarding the ingredients and substances contained in the product, to wit, pure maple syrup, which statement and device were false and misleading in that they represented the product to be pure maple syrup, when in fact said product was not

pure maple syrup but contained 9 per cent of cane sugar syrup in its composition. The allegation in the information that the product contained 9 per cent of cane sugar syrup was erroneous. The amount was 10 per cent.

On November 14, 1911, the defendant entered a plea of nolo contendere and was fined $20.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 6, 1912.*

1445

F. & D. No. 2847.
I. S. Nos. 13085-c and 13086-c. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1446.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CHOCOLATE ICE CREAM AND VANILLA ICE CREAM.

On October 18, 1911, the grand jurors within and for the Third Judicial District of the Territory of Arizona, on presentation by the United States Attorney for said district, acting upon a report from the Secretary of Agriculture, returned an indictment to the District Court of the United States for said district against Felip Stephen, charging the manufacture and sale by him in the Territory of Arizona, in violation of the Food and Drugs Act, on or about April 24, 1911, of a quantity of chocolate ice cream and vanilla ice cream, both of which were adulterated. The products bore no label but were sold as chocolate ice cream and vanilla ice cream.

Analysis of a sample of each of said products made by the Bureau of Chemistry of the United States Department of Agriculture showed them to be deficient in fat and to contain gelatine without its presence being declared. Adulteration was alleged for the reason that a valuable constituent thereof, to wit, milk fat, had been in part abstracted therefrom and that another substance, to wit, gelatine, had been substituted therefor.

On October 20, 1911, the defendant was arraigned and pleaded not guilty. On October 21, 1911, the case coming on for trial, a jury was impaneled and after introduction of testimony on behalf of the Government and defendant, and argument by the respective counsel, the case was submitted to the jury under oral instructions of the court. Afterwards, to wit, on the same day, the jury returned a verdict of not guilty, whereupon the defendant was discharged.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 6, 1912.*

38774°—No. 1446—12

F. & D. No. 2538.
S. No. 912.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1447.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VANILLA FLAVOR.

On March 25, 1911, the United States Attorney for the District of New Jersey, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of one ten-gallon package of vanilla flavor in the possession of John K. Psichos, Newark, N. J. The product was labeled "XXXX Vanilla Flavor" and was invoiced as "XXXX Vanilla Spec. Flavor."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Specific gravity	1.047
Alcohol (per cent by volume)	13.1
Methyl alcohol	Absent.
Vanillin (per cent)	0.36
Coumarin (per cent)	0.05
Natural color	Present.

No artificial coloring matter detected.

The libel alleged that the product, after shipment by William Haigh Co., of Baltimore, Md., from the State of Maryland into the State of New Jersey, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration and misbranding were alleged in the libel as follows: "That the said package containing said vanilla flavor bore the statement and device "XXXX Vanilla Flavor" regarding the substance contained in said package, which statement and device were then false and misleading in that they indicated that said substance was a pure vanilla extract, whereas in fact said substance was not pure vanilla extract but was a product containing vanillin and coumarin, which were mixed and packed with and substituted for vanilla extract so as to reduce and lower and injuriously affect the quality and strength of the so-called vanilla flavor

whereby and by reason whereof the said alleged vanilla flavor was misbranded and adulterated within the meaning of the Act aforesaid. Your libelant represents that the said alleged vanilla extract particularly described as aforesaid was intended for consumption as food, and that said article of food, to wit, alleged vanilla extract aforesaid, was adulterated and misbranded, and the said brands were intended and calculated to deceive and mislead the purchaser thereof.

On October 25, 1911, the case coming on for trial the court found the product adulterated and misbranded as alleged in the libel, and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 6, 1912.*

1447

F. & D. No. 2508.
S. No. 891.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1448.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On March 14, 1911, the United States Attorney for the District of New Jersey, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of a barrel of vanilla extract in the possession of Psichos & Psichos, Orange, N. J. The product was labeled: "XXXX Vanilla—Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 6632—Highly concentrated extracts, Fruit Juices, etc. Vanilla, Vanilla Oil, Vanilla Sugar, Vanilla Beans, Vegetable Colors—The William Haigh Co. Manufacturing Chemists, 128 Calvert St., Baltimore, Md."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Alcohol (per cent by volume)	12.4
Methyl alcohol	Absent.
Vanillin (per cent)	.48
Coumarin (per cent)	.03
Vanilla resins	Trace only.
Coloring matter	Caramel.

The libel alleged that the product, after shipment by William Haigh Co., Baltimore, Md., from the State of Maryland into the State of New Jersey, remained in the original unbroken package and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration and misbranding was alleged in the libel as follows: "That the said alleged vanilla extract so contained in the said barrel is labeled 'XXXX Vanilla Guaranteed under the Food and Drugs Act June 30, 1906 Serial No. 6632—Highly concentrated extracts fruit juices, etc. vanilla, vanilla oil, vanilla sugar, vanilla beans vegetable colors—The William Haigh Co. Manufacturing Chemists, 128 Calvert St., Baltimore, Md.' which

labels, inscriptions, delineations, and language were then and there intended by their terms and style of display to indicate that the contents of said barrel were pure vanilla extracts, when in truth and in fact the alleged vanilla extract so contained in said barrel was not the product indicated by the terms displayed on the said label thereon, but contained added vanillin, coumarin, and caramel, which were mixed with and substituted for vanilla extract, and was also colored to conceal its inferiority. Your libellant represents that the said alleged vanilla extracts particularly described as aforesaid was intended for consumption as food, and that said article of food, to wit, alleged vanilla extract aforesaid, was adulterated and misbranded and the said labels were intended and calculated to deceive and mislead the purchaser thereof."

On October 25, 1911, the case coming on for hearing, the court found the product adulterated and misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States and ordering its destruction by the marshal.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 10, 1912.*

1448

○

F. & D. No. 2313.
S. No. 827.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1449.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "ALL BEAN" VANILLA.

On January 23, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of one barrel of vanilla extract in the possession of Hildebracht Catering Co., Trenton, N. J. The product was labeled: "Warner-Jenkinson Co. All Bean Vanilla. Guaranteed under the Food and Drugs Act."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Specific gravity at 15.6°, 1.028; alcohol by volume, 22.75 per cent; methyl alcohol, absent; vanillin, 0.39 per cent; coumarin, 0.04 per cent; glycerin, present; caramel, present; lead number 0.28; natural color—very small amount present. The libel alleged that the product, after shipment by the Warner-Jenkinson Co., St. Louis, Mo., from the State of Missouri into the State of New Jersey, remained in the original unbroken package and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration and misbranding of the product were alleged in the libel in form as follows: "That the said alleged vanilla extract, so contained in the said barrel, is labeled 'Warner-Jenkinson Co. All-Bean Vanilla, Guaranteed under the Food and Drugs Act,' which labels, inscriptions, delineations, and language were then and there intended by their terms and style of display to indicate that the contents of said barrel was vanilla extract manufactured and extracted from the vanilla bean, when in truth and in fact the alleged vanilla extract so contained in said barrel was not pure vanilla, but was compounded in whole or in part from and made up of certain ingredients, to wit, artificial vanillin, coumarin, and artificial coloring matter * * * that the said alleged vanilla extract * * * was adulterated and misbranded, and the said labels were intended and calculated to deceive and mislead the purchaser thereof."

On January 23, 1912, the case coming on for hearing and answer, previously filed by the Warner-Jenkinson Co., claimant, having been withdrawn, the court found the product adulterated and misbranded, as alleged in the libel, and entered a decree condemning and forfeiting the same to the United States and ordering its destruction by the marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 10, 1912.*

1449

○

F. & D. No. 2848.
I. S. No. 13087-c.
Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1450.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF ICE CREAM.

On October 18, 1911, the grand jurors of the United States in and for the Third Judicial District, Territory of Arizona, on presentation by the United States Attorney for said district, acting upon a report from the Secretary of Agriculture, returned to the United States District Court for said district an indictment against Louis Rinchini, charging the manufacture and sale by him within said district in the Territory of Arizona of a quantity of ice cream which was adulterated.

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed that said ice cream was deficient in fat, containing only 7.09 per cent. The indictment charged adulteration for the reason that a valuable constituent of said product, to wit, milk fat, had been in part abstracted therefrom.

On October 19, 1911, the defendant, through his attorney, presented a demurrer to the indictment on the ground that it did not state facts sufficient to constitute a crime or an offense against the laws of the United States, and the same was overruled by the court; whereupon the defendant entered a plea of not guilty.

On October 21, 1911, the case coming on for trial before a jury and evidence having been submitted for and on behalf of the Government and the defendant, respectively, and argued by counsel, the case was submitted to the jury under the following instructions of the court, directing a verdict for defendant:

Gentlemen of the Jury, a motion has been made in this case to the Court to direct the jury to return a verdict for the defendant on the ground that the offense that the defendant is charged with has not been made out by the testimony. The defendant is charged with manufacturing an adulterated article of food, the claim being that a valuable constituent of the article has been in whole or in part abstracted. Now, of course, in the manufacture of ice cream, in the use of milk, as is done, together with some cream, the milk being an article from which the cream has been abstracted, the use of milk in the manufacture of ice cream is the use of an article from which a

valuable constituent has been in part abstracted. The question, therefore, to determine in this case is whether or not this defendant in making this ice cream which has been testified to be only 7.09% butter fat, is manufacturing an article from which a valuable constituent has been in part abstracted. Now, the Government, neither by the act of Congress nor by the rules of the Secretary of Agriculture, has established any standard with respect to ice cream: there is no standard established below which a product may not be deemed ice cream and sold as such, and above which it may. There is no fixed standard, as there is in some states, in this act of Congress or in any regulation or rule adopted by the Secretary of Agriculture. Therefore, the question now comes up whether or not the Court may, as a matter of law on the evidence now before me, say to you that a certain per cent is proper in the manufacture below which they may not manufacture, the contention of the Government being that the evidence here is such that the Court ought to fix on 14% as the amount of butter fat necessary in ice cream, and that any article manufactured below that is not ice cream, and if, manufactured as such, as the evidence is the defendant has done, he is within the province of the law. Now, I do not feel that the evidence of the custom or use of the trade, before me is such that I can fix upon, as a matter of law, any standard, as is requested by the Government. I am not confident that, under the law, the Court would have power to fix a standard in any event, but if the Court has power and should fix a standard for the jury then to say whether this falls above or below, I, nevertheless, do not think that the evidence in this case is sufficient to warrant my fixing upon any standard. The evidence is that the general custom of the merchants here of standing, like Mr. Donofrio and Mr. Sanichas, is that any cream below 14% is not proper cream to be called ice cream: there is evidence that in Chicago a large concern there who manufactures ice cream for the best trade, considers that anything below 12% is not ice cream, and is labeled "frozen milk," I believe. There is other testimony in the case that makes it impossible for the Court to fix a standard, for, if I fix a standard in this case, we may have some one up at the next term of Court indicted for selling ice cream with 12% butter fat if I fixed the standard at 14%, and under that standard the jury would be obliged to convict. I am not sure that 14% is the right amount. It should not be left, it seems to me, for the decision of the Court, but that it should be determined by Congress or by authorization of the Secretary of Agriculture so that the trade may know—so that any man manufacturing it will not be at the mercy of what his brother merchants in a town fix upon as being the right proportions. Therefore, in this case I do not think the evidence before me is sufficient for the standard to be fixed either by the Court or the jury below which this defendant may be said to have fallen. I grant the motion to direct a verdict for the defendant. One of you may sign it as foreman.

Whereupon the jury returned a verdict finding the defendant not guilty and the defendant was, thereupon, discharged from custody.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 11, 1912.*

1450

INDEX TO NOTICES OF JUDGMENT 1001 TO 1450.[1]

[Arranged under heads: Foods (p. 5); Beverages, including waters and medicated drinks (p. 10); Drugs (p. 11).]

FOODS.

Alaga Alabama-Georgia sirup: N. J. No.
Alabama-Georgia Syrup Co. 1187
Albumen, Dried egg:
Jahn, W. K., Co. 1300
Albumen, Powdered egg:
Jahn, W. K., Co. 1389
Alfalfa meal:
Wash Co. Alfalfa Mixed Feed & Milling Co. 1409
All-bean vanilla:
Warner-Jenkinson Co. 1449
Almond extract. (*See* Extract, Almond.)
Almond paste:
Heide, Henry. 1335
Apple and sugar, Preserved peach:
St. Louis Syrup & Preserving Co. 1038
Apple butter:
Earll Coffee Co. 1356
St. Louis Syrup & Preserving Co. 1400
Apple chops, Evaporated:
Groucher & Packard. 1313
Leslie, John H., & Co. 1408
Apple cider vinegar. (*See* Vinegar.)
Apple flavor jelly. (*See* Jelly, Apple flavor.)
Apple jelly. (*See* Jelly, Apple.)
Apple vinegar. (*See* Vinegar.)
Apples:
Guinn Bros. 1330
Hofmann Bros. Produce Co. 1245
Jackson, R. S., & Co. 1369
Kimble, S. & J., & Co. 1330
Minturn, A. R. 1401
Simpson & Minturn Fruit & Produce Co. 1401
Teasdale Fruit & Nut Products Co. 1323
Wallerstein, David, & Co. 1416
Wallerstein Produce Co. 1256
Youngs, Elphonzo, Co. 1416
Apricot jam. (*See* Jam, Apricot.)
Aunt Jemima's sugar cream:
Rigney & Co. 1345
Banana extract. (*See* Extract, Banana.)
Black olives. (*See* Olives.)
Blackberry jam. (*See* Jam, Blackberry.)
Bloaters, Cromarty:
Jordan, William H., & Co. 1343
Blueberries:
Henderson, W. S. 1154
Russell, Edward T., & Co. 1154
Bran, Corn:
Bradley Bros. 1071
Brooke's Lemos: N. J. No.
Brooke, C. M., & Sons. 1413
Buckwheat flour:
Wright, Stillman, & Co. 1325
Butter:
Pond, S. P., Co., (Inc.). 1018
Butter, Apple. (*See* Apple butter.)
Butter, Cane and maple sugar:
Marshalltown Syrup & Sugar Co. 1121, 1122
Butter, Wisconsin creamery. (*See* Oleomargarin.)
Butterfly cane and maple sirup:
Gordon Syrup Co. 1394
Candy:
Bradley-Smith Co. 1244
Candy, Chocolate cherry fudge:
Schaeffer, James E. 1351
Candy, London creams:
Bradley-Smith Co. 1243
Candy, Pecan creams:
Schaeffer, James E. 1351
Cane and maple sugar butter:
Marshalltown Syrup & Sugar Co. 1121, 1122
Cane sirup. (*See* Sirup, Cane.)
Catsup. (*See* Tomato ketchup.)
Cheese:
Algoma Produce Co. 1002
Barber, A. H., & Co. 1186
Elgin Dairy Co. 1336
Lake Zurich Creamery Co. 1387
Novato French Cheese Factory. 1168, 1169
Stevens, S. J., & Co. 1183
Wieland Bros. 1148, 1168, 1169
Cheese, cream:
Hart, Geo. S., & Co. 1344
Wagener, F. W., & Co. 1344
Cheese, Cream, Daisy:
Ferbend & Co. 1421
Cheese, Cream, Mayflower:
Hagen, Ratcliffe & Co. 1414
Stevens, S. J., Co. 1414, 1431
Cheese, Daisy:
Barber, A. H., & Co. 1359
Chambers, W. A., & Co. 1384
Crosby & Meyers. 1384
Cherries:
Early, James W. 1333
Cherries, Crême de menthe:
Rheinstrom, Minna W. 1432

[1] For index of Notices of Judgment 1–1000, see Notice of Judgment 1000; future indexes to be supplementary thereto.

Cherries, Maraschino: N. J. No.
Armour & Co. 1327
Cheek, C. T., & Sons 1383
Cincinnati Extract Works 1383
International Fruit Products Co. 1370
Mihalovitch Co 1370
Stone-Ordean-Wells Co 1439
Cherry jam. (*See* Jam, Cherry.)
Chestnuts:
Davis & Davis 1375
Stephens Bros. 1378
Puffenbarger, A 1375
Chocolate:
Brewster Cocoa Mfg. Co 1332
Chocolate cherry fudge:
Schaeffer, James E. 1351
Cider vinegar. (*See* Vinegar.)
Cinnamon extract. (*See* Extract, Cinnamon.)
Clams:
Aubin, D. 1318
Clams, Little Neck:
Lawry, E. H. 1273
Cloves:
Whitney, Farrington 1204
Clymer's Table Seerop Temtors:
St. Louis Syrup & Preserving Co. 1367
Color, Egg. (*See* Egg color.)
Color, Green cake:
Forbes, James H., Tea & Coffee Co. 1057
Color, Red cake:
Forbes, James H., Tea & Coffee Co. 1057
Color, Yellow cake:
Forbes, James H., Tea & Coffee Co. 1057
Condensed milk. (*See* Milk, Condensed.)
Continental gluten feed:
Continental Cereal Co. 1293, 1294
Corn, Cracked:
Scott, S. D., & Co 1254
Corn bran. (*See* Bran, Corn.)
Corn flakes, Sugar:
Grain Products Co. 1042
Scudders-Gale Grocer Co 1042
Corn meal:
Asheville Ice and Coal Co. 1342
Asheville Milling Co 1342
Booth, B. D., & Co. 1198, 1328
Cottonseed meal:
Buckeye Cotton Oil Co 1223
Wells, J. Lindsay, Co. 1109
Cracked corn. (*See* Corn, Cracked.)
Crackers, Grant's hygienic:
Hygienic Health Food Co. 1265
Cranberry jam. (*See* Jam, Cranberry.)
Cream:
Braun, Charles 1259
Humm, John W 1210
Johnson, A. E., jr 1214
Kephart, George M. 1307
Mainhart, Charles C 1138
Moock, George B 1259
Ray, John P., jr. 1425
Smith, Clinton E. 1312
Thompson, William M. 1160
Van Camp Packing Co. 1211
Crême de menthe cherries. (*See* Cherries, Crême de menthe.)

"Crême wafels": N. J. No.
De Boer & Dik 1039
Crystal eggs. (*See* Eggs, Crystal.)
Currant preserves. (*See* Preserves, Currant.)
Daisy cream cheese. (*See* Cheese, Cream, Daisy.)
Desiccated eggs. (*See* Eggs, Desiccated.)
Dried egg albumen:
Jahn, W. K., Co. 1300
Drips. (*See* Sirup.)
Egg color:
Wood & Selick 1103
Egg noodles. (*See* Noodles, Egg.)
Egg product:
St. Louis Crystals Egg Co. 1108
Eggs Crystal:
St. Louis Crystals Egg Co. 1100, 1102
Eggs, Desiccated:
Armour & Co. 1005
Crandall Petee Co. 1143
Meyers & Hicks 1174
National Bakers Egg Co. 1185
Smithson, Robert 1331
Weaver, C. H., & Co. 1074
Eggs, Dried (albumen):
Jahn, W. K., Co. 1300
Eggs, Frozen:
Bennett Howard & Co. 1116, 1444
Iowa Butter & Egg Co. 1321
Kalchheim, Henry, & Co. 1046, 1444
Keith, H. J., Co. (Inc.) 1027
Omaha Cold Storage Co. 1296
Eggs, Powdered (albumen):
Jahn, W. K., Co. 1389
Eggs, Preserved whole:
Hipolite Egg Co. 1043 (suppl. to 508), 1438
Eggs, Shelled:
Newman, Ad., & Son 1202
Essences. (*See* Extracts.)
Evaporated milk. (*See* Milk, Evaporated.)
Extract, Almond:
California Perfume Co. 1217
Forbes, James H., Tea & Coffee Co. 1057
Extract, Almond (bitter):
Christiana Drug Co. (Inc.) 1126
Extract, Banana:
Forbes, James H., Tea & Coffee Co. 1057
Extract, Cinnamon:
California Perfume Co. 1217
Extract, Ginger:
Forbes, James H., Tea & Coffee Co. 1057
Rheinstrom, Minna W. 1422, 1433
Extract, Ginger, Jamaica:
Hirsch, S., Distilling Co. 1353
Minuet Cordial Co. 1353
Extract, Jamaica ginger. (*See* Extract, Ginger, Jamaica.)
Extract, Lemon:
California Perfume Co. 1229
Carpenter-Cook Co. 1147
Christiani Drug Co. (Inc.) 1126
Compton, Charles 1029
Cook, Charles I. 1147
Dennery, Charles 1188
Horton-Cato Mfg. Co. 1266

Extract, Lemon—Continued. N. J. No.
Merten & Co. 1264
Michigan Refining & Preserving Co. 1147
Schorndorfer & Eberhard Co. 1314
Extract, Orange:
California Perfume Co. 1217
Forbes, James H., Tea & Coffee Co. 1057
Extract, Peach:
Forbes, James H., Tea & Coffee Co. 1057
Extract, Peppermint:
Christiani Drug Co. (Inc.) 1126
Fleischmann-Clark Co. 1238
Hirsch, S., Distilling Co. 1355
Kreielsheimer Bros. 1442
Lyons, E. G., & Raas Co. 1247
Mihalovitch Co. 1402
Minuet Cordial Co. 1355
Rheinstrom, Minna W. 1422
Rosenblatt Co. 1230
Extract, Pineapple:
Forbes, James H., Tea & Coffee Co. 1057
Extract, Pistachio:
Western Candy & Bakers Supply Co. 1041
Extract, Raspberry:
California Perfume Co. 1217
Forbes, James H., Tea & Coffee Co. 1057
Wellman, Peck & Co. 1212
Extract, Rose geranium:
Forbes, James H., Tea & Coffee Co. 1057
Extract, Strawberry:
California Perfume Co. 1217
Forbes, James H., Tea & Coffee Co. 1057
Wellman, Peck & Co. 1212
Extract, Vanilla:
Acme Extract & Chemical Works. 1292
Baumgartner, Andrew, Co. 1281
Conwell, S. D., & Co. 1216
Christiani Drug Co. (Inc.) 1126
Compton, Charles. 1029
Eddy & Eddy Mfg. Co. 1118
Haigh, William. 1289, 1366, 1447, 1448
Junjalas & Psichos. 1377
Manhattan Importing Co. 1150
Pan American Mfg. Co. 1158
Righter Mfg. Co. 1061
St. Louis Coffee & Spice Mills. 1099
Schwabacher Bros. & Co. (Inc.) 1429
Star Extract Works. 1104
Warner-Jenkinson Co. 1166, 1449
Weston, Edward, Tea & Spice Co. 1096
Extract, Vanilla and tonka:
California Perfume Co. 1217
Extract, Wintergreen:
Christiani Drug Co. (Inc.) 1126
Feeds, Continental gluten:
Continental Cereal Co. 1293, 1294
Feeds, Hammond dairy:
Western Grain Products Co. 1094
Feeds, Peerless:
Smith, J. Allen, & Co. (I c.) 1141
Feeds, Peerless horse:
Kidder, F. L., & Co. 1176
Feeds. (*See also* Corn, Cracked; Middlings; Oats.)
Figletts:
Simpson, Charles S. 1403
Snell & Simpson. 1403
Figs: N. J. No.
Kusykin, J., & Co. 1246
Fish. (*See* Bloaters; Hake; Herring; Shad.)
Flavor. (*See* Extract.)
Flour. (*See* Buckwheat flour.)
Frozen eggs. (*See* Eggs, Frozen.)
Fruit jelly. (*See* Jelly, Fruit.)
Fruit sirups. (*See* Sirups.)
Fudge, Chocolate cherry:
Schaeffer, James E. 1351
Gelatin:
Bessire & Co. 1365
Chalmers', James, Sons. 1127, 1128
Ginger extract. (*See* Extract, Ginger.)
Gluten feed, Continental:
Continental Cereal Co. 1293, 1294
Grant's hygienic crackers:
Hygienic Health Food Co. 1265
Grape jam. (*See* Jam, Grape.)
Hake, Silver:
Allen, R. E., & Bro. Co. 1411
Hammond dairy feed:
Western Grain Products Co. 1094
Herring:
——— ——— 1260
Crilly, J. H. 1253
Honey:
Deiser, Albert A., & Co. 1123
Hotch, Vermont maple butter:
Maple Tree Sugar Co. 1164
Ice cream:
Rinchini, Louis. 1450
Ice cream, Chocolate:
Stephen, Felip. 1446
Ice cream, Vanilla:
Stephen, Felip. 1446
Ice-cream cones:
Blue Seal Ice Cream Co. 1395
Consolidated Wafer Co. 1073, 1395
Eagle Mfg. Co. 1315
Star Wafer Co. 1301, 1426
Jam, Apricot:
McMechen Preserving Co. 1276
Jam, Blackberry:
McMechen Preserving Co. 1276
National Pickle & Canning Co. (Dodson-Braun Branch). 1097
Jam, Cherry:
California Fruit Canners' Association. 1235
Jam, Cranberry:
Pioneer Preserving Co. 1406
Jam, Grape:
California Fruit Canners' Association. 1249
Jam, Peach:
McMechen Preserving Co. 1276
Pioneer Preserving Co. 1398
Jam, Quince:
McMechen Preserving Co. 1276
Jam, Raspberry:
McMechen Preserving Co. 1276
Jam, Strawberry:
California Fruit Canners' Association. 1235
McMechen Preserving Co. 1276
Jelly, Apple:
Van Lill, S. J., Co. 1393
Jelly, Apple flavor:
McMechen Preserving Co. 1276

Jelly, Fruit: N. J. No.
Huffman, W. D. 1207
Indianapolis Canning Co. 1207
Scully, D. B., Syrup Co. 1172
Jelly, Raspberry:
California Fruit Canners' Association. 1235
Ketchup. (*See* Tomato ketchup.)
Lemon juice, Brooke's Lemos:
Brooke, C. M., & Sons. 1413
Lemon oil:
Heine & Co. 1220
Lemos, Brooke's:
Brooke, C. M., & Sons. 1413
London creams (candy):
Bradley-Smith Co. 1243
Macaroni:
Cini, D. 1357
Maull Bros. 1278
Russo, G., & Sons. 1368
Spiropoulos & Costalupes. 1324
Union Macaroni Co. 1374
Viviani, V., & Bro. 1412
Youngstown Mfg. Co. 1145
Macaroni. (*See also* Noodles; Spaghetti.)
Maple butter hotch, Vermont:
Maple Tree Sugar Co. 1164
Maple sirup. (*See* Sirup, Maple.)
Maple sugar:
Arcadia Maple Co. 1309
Brokaw Merchandise Co. 1015
Standard Syrup Co. 1101
Maple sugar butter, Cane and:
Marshalltown Syrup & Sugar Co. 1121, 1122
Maraschino cherries. (*See* Cherries, Maraschino.)
Mayflower cream cheese. (*See* Cheese, Cream, Mayflower.)
Meal. (*See* Alfalfa meal; Corn meal; Cottonseed meal.)
Middlings:
Model Mill Co. (Inc.) 1142
Milk:
Barnesley, George H. 1136
Bayliss, George H. 1137
Boberink, Henry A. 1083
Bohke, Chris. 1083
Braun, Charles. 1259
Coffee, James F. 1083
Cox, James. 1083
Grove, John W. 1310
Hershey, Eli N. 1424
Hildebrand, George L. 1209
Hudson, Leonard. 1083
Kenison, H. C. 1360
Koechlin, E. J. 1083
Lewis, Joseph F. 1423
McAvoy, Dan. 1083
Moock, George B. 1259
Null, Wm. C. 1133
Orme, Wm. H., jr. 1134
Oser, Charles. 1083
Plump, J. T. 1083
Regel, Henry. 1092
Rounds, E. R. 1130
Schuck, A. H. 1083
Schuck, Jerome. 1083
Milk—Continued. N. J. No.
Schulte, L. H. 1083
Shorten, J. W. 1129
Smith, Charles E. 1083
Smith, Howard L. 1161
Thomas, Harry L. 1311
Thomas, Russel C. 1236
Walter, Chas. A. 1132
Zimmerman, Benjamin F. 1131
Milk, Condensed:
Delavan Condensed Milk Co. 1028
Libby, McNeill & Libby. 1117
White Hall Condensed Milk Co. 1069
Milk, Evaporated:
Faultless Condensed Milk Co. 1052
M. & O. Milk Co. 1114
Milk, Powdered:
Merrell-Soule Co. 1303
Tulin, William J. 1033
Wood & Selick. 1364
Mincemeat:
Brenneman, W. H. 1067
Molasses temtors:
St. Louis Syrup & Preserving Co. 1399
Moyune brand extracts:
Forbes, James H., Tea & Coffee Co. 1057
Mushrooms:
Arbuckle & Co. 1037
Mustard:
Mount Pickle Co. 1319
Seabury & Co. 1419
Westmoreland Specialty Co. 1419
Wilde, Joseph P. 1239
New Amsterdam Dutch rusk:
American Pastry & Mfg. Co. 1415
Michigan Tea Rusk Co. 1415
Noodles. (*See also* Macaroni; Spaghetti.)
Noodles, Egg:
Maas Baking Co. 1181
Northern Ohio sugar:
Standard Syrup Co. 1101
Nutmegs:
German, Lewis, & Co. 1180
Oats:
Gibbons, John T. 1250
Grier, T. A., & Co. 1165
Logan, Thomas M. 1171
Pendleton Grain Co. (Inc.) 1250
Rothschild, D., Grain Co. 1208
Wells, Jos. L. 1146
Oil. (*See* Lemon oil; Olive oil.)
Oleomargarin:
Steele, Jesse A. 1115
Wisconsin Creamery Co. 1115
Olive oil:
Barbara, Frank. 1305
Carrao, Francesco. 1155
Cusimano & Tujague Co. 1062
Marchesini, Artura. 1404
Schwabacher Bros. & Co. (Inc.). 1434
Tujague, Leon. 1062
Olives:
Greek Trading Co. 1275
Psiaki, Alco G. 1047, 1048
Orange extract. (*See* Extract, Orange.)
Orange sirup. (*See* Sirup, Orange.)

Oysters: N. J. No.
Bailey, James C 1385
Decker, Garrett F., & Co 1192
Hayden, H. A 1386
Hayden, William H 1382
Martin, C. W., Co 1337
Sprague & Doughty 1380
Paprika:
Atlantic & Pacific Tea Co 1066
McCormick & Co .... 1153, 1341 (suppl. to 1153)
Peach, apple, and sugar, preserved:
St. Louis Syrup & Preserving Co 1038
Peach apple preserves. (*See* Preserves, Peach, apple.)
Peach extract. (*See* Extract, Peach.)
Peach jam. (*See* Jam, Peach.)
Peaches:
Seeley, A. B., & Son 1262
Peanuts:
Dixie Peanut Co 1372
Edenton Peanut Co 1263
Peas:
Boyle, John, Co 1280
Pecan creams:
Schaeffer, James E 1351
Peerless feed:
Smith, J. Allen, & Co. (Inc.) 1141
Peerless horse feed:
Kidder, F. L., & Co 1170
Pepper:
Cobb Mfg. Co 1257
Eddy & Eddy Mfg. Co 1118
Pepper, Cayenne:
Hanley & Kinsella Coffee & Spice Co 1013
Peppermint extract. (*See* Extract, Peppermint.)
Phosphate:
Provident Chemical Works 1203
Pineapple extract. (*See* Extract, Pineapple.)
Pistachio extract. (*See* Extract, Pistachio.)
Powdered egg albumen:
Jahn, W. K., Co 1389
Powdered milk. (*See* Milk, Powdered.)
Preserved peach, apple, and sugar:
St. Louis Syrup & Preserving Co 1038
Preserved whole eggs. (*See* Eggs, preserved, whole.)
Preserves, Currant:
Flaccus, E. C., Co 1081
Preserves, Peach apple:
Van Lill, S. J., Co 1391
Preserves, Quince apple:
Van Lill, S. J., Co 1391
Preserves, Strawberry:
Knights, Alonzo A., & Son 1302
Purée, Tomato. (*See* Tomato purée.)
Quince apple preserves. (*See* Preserves, Quince apple.)
Quince jam. (*See* Jam, Quince.)
Raisins:
Griffith, R. C., & Co 1274
Raspberry extract. (*See* Extract, Raspberry.)
Raspberry jam. (*See* Jam, Raspberry.)
Raspberry jelly. (*See* Jelly, Raspberry.)
Raspberry sirup. (*See* Sirup, Raspberry.)
Rice: N. J. No.
Alliance Rice & Milling Co 1177
Burkenroad-Goldsmith Co., Ltd 1340
Cormier, Chas. E., Rice Co 1177
Griggs, Cooper & Co 1177
Louisiana Molasses Co 1030
Seabury & Co 1388
Vallee, P. E., & Co 1388
Weston, Edward, Tea & Spice Co 1361
Rose geranium extract. (*See* Extract, Rose geranium.)
Rosebud drips sirup:
Gordon Syrup & Pickle Co 1240
Rusk, New Amsterdam Dutch:
American Pastry & Manufacturing. Co .. 1415
Michigan Tea Rusk Co 1415
Saffron:
Buhl Mills Co 1288
Proctor, William M., Co 1288
Salad oil. (*See* Olive oil.)
Sardines:
New, Frank, Co 1299
Seerop Temtors, Clymer's Table:
St. Louis Syrup & Preserving Co 1367
Shad:
—— —— 1087
—— —— 1088
Claxton, Richard W 1021
Shelled eggs. (*See* Eggs, Shelled.)
Sirup, Alaga Alabama-Georgia:
Alabama-Georgia Syrup Co 1187
Sirup, Cane and maple, Butterfly:
Gordon Syrup Co 1394
Sirup, Clymer's Table Seerop Temtors:
St. Louis Syrup & Preserving Co 1367
Sirup, Maple:
Huntington Maple Syrup & Sugar Co 1445
Sirup, Maple and cane, Butterfly:
Gordon Syrup Co 1394
Sirup, Orange (blood):
Stewart & Holmes Drug Co 1156
Sirup, Raspberry:
Stewart & Holmes Drug Co 1156
Sirup, Rosebud drips:
Gordon Syrup & Pickle Co 1240
Sodic aluminic sulphate:
Superior Chemical Co 1105
Spaghetti:
Spiropoulos & Costalupes 1324
Spaghetti. (*See also* Macaroni; Noodles.)
Strawberry extract. (*See* Extract, Strawberry.)
Strawberry jam. (*See* Jam, Strawberry.)
Strawberry preserves. (*See* Preserves, Strawberry.)
Sugar corn flakes:
Grain Products Co 1042
Scudders-Gale Grocer Co 1042
Sugar, Maple. (*See* Maple sugar.)
Sugar, Northern Ohio:
Standard Syrup Co 1101
Sulphate, Sodic aluminic:
Superior Chemical Co 1105
Temtors, Clymer's Table Seerop:
St. Louis Syrup & Preserving Co 1367
Temtors, Molasses:
St. Louis Syrup & Preserving Co 1399

Tomato ketchup: N. J. No.
- Alart & McGuire 1427
- Anderson Canning Co 1004
- Atlas Preserving Co 1269, 1381
- Bicklen Winzer Grocer Co 1329
- Blue Grass Canning Co 1195
- Burlington Vinegar & Pickle Co 1003
- California Fruit Canners' Association 1235
- Chance's, R. C., Sons 1006
- Corey, Henry B 1427
- Edler, Fred C 1054
- Farmer's Loan & Trust Co 1427
- Frazier Packing Co 1162, 1163, 1175, 1352
- Guenther, J. Ed 1320
- Harbauer-Marleau Co 1034, 1316, 1329, 1334
- Huss-Edler Preserve Co 1054
- Jersey Packing Co 1358
- Kansas City Conserve Co 1405
- Kokoma Canning Co 1224
- Leroux Cider & Vinegar Co 1095
- Lewis Packing Co 1241
- McCord-Brady Co 1034
- McMechen Preserving Co 1080, 1276
- National Pickle & Canning Co. (Dodson-Braun Branch) 1072, 1098
- New Blue Grass Canning Co 1320
- Philadelphia Pickling Co 1075
- Polk, J. T., Co 1090
- Pressing & Orr Co 1213
- Snyder, T. A., Preserve Co 1346, 1358
- Soper, A. C., & Co 1055, 1326, 1436
- Spraul, George, Packing Co 1044, 1271 (suppl. to 1044)
- Weller, H. N., & Co 1196
- Weller, J., Co 1199, 1201

Tomato ketchup, Oyster Bay Brand:
- ——— ——— 1085

Tomato ketchup, Pioneer Brand:
- ——— ——— 1086

Tomato paste:
- Horner, Henry & Co 1008
- Kelty, Samuel L 1227
- Polinsky, H 1001
- Roncoroni, Pietro, Co 1053, 1065, 1231
- Salem Canning Co 1338

Tomato pulp:
- Ayars, B. S., & Sons Co 1064, 1396, 1437
- Dana, Anna L 1407
- Dana, John 1407
- Guenther, J. Ed 1320
- Hearn Co 1267
- Lord-Mott Co 1107
- New Blue Grass Canning Co 1320
- Phillips Packing Co 1261
- Summers, Charles G., & Co. (Inc.) 1268
- Torsch Packing Co 1270

Tomato purée: N. J. No.
- Guenther, J. Ed 1320
- New Blue Grass Canning Co 1106, 1320

Tomato sauce:
- Gross, Ignatius, Co 1242

Tomatoes:
- Ayars, Clinton B., Canning Co 1237
- Pearson, A. E., & Son 1371
- Polk, J. T., Co 1090

Tonka and compound, Vanilla:
- Creamery Dairy Co 1306
- Hudson Mfg. Co 1306

Tonka extract, Vanilla and. (*See* Extract, Vanilla and tonka.)

Vanilla, All-bean:
- Warner-Jenkinson Co 1449

Vanilla extract. (*See* Extract, Vanilla.)

Vanilla tonka and compound:
- Creamery Dairy Co 1306
- Hudson Mfg. Co 1306

Vermont maple butter hotch:
- Maple Tree Sugar Co 1164

Vinegar:
- ——— ——— 1036
- Barrett & Barrett 1206
- Board, Armstrong & Co 1023, 1297
- Callahan, A. P., & Co 1151
- Caro Vinegar Co 1418
- Chandler, B. T. & Son 1050, 1059, 1349
- Chandler, Earl 1349
- Erdmann's, H., Sons 1184
- Fleischman Vinegar Works 1285
- Gregory, D. J., Vinegar Co 1308
- Harbauer-Marleau Co 1193, 1287
- Lewis Packing Co 1241
- Louisville Cider & Vinegar Works 1225
- Oakland Vinegar & Pickle Co 1060
- Ogden, H. H 1410
- Pacific Honey Co 1410
- Prussing Bros 1304
- Queen City Cider Vinegar Mfg. Co 1110
- Robinson Cider Vinegar Co 1258
- Sharp Elliott Mfg. Co 1007, 1363
- Southern Cider & Vinegar Co 1252
- Spielmann Bros. Co 1159, 1200, 1238, 1441
- Vermont Fruit Co 1167
- Wilson, W. J., & Son 1119, 1120, 1290
- Zinke Mercantile Co 1050

"Wafels, Crême:"
- De Boer & Dik 1039

Wheat:
- Hall Baker Grain Co 1135, 1173
- Walker Grain Co 1173

Whiting. (*See* Hake, Silver.)

Wintergreen extract. (*See* Extract Wintergreen.)

BEVERAGES, INCLUDING WATERS AND MEDICATED DRINKS.

N. J. No.

Apricot brandy. (*See* Brandy, Apricot.)

Beer:
- Benwood Brewing Co 1272

"Bernardine":
- Lyons, E. G., & Raas Co 1247

Berry Hill mineral water:
- Berry Hill Mineral Spring Co 1251

N. J. No.

Blackberry brandy. (*See* Brandy, Blackberry.)

Blackberry cordial:
- Arrow Distilleries Co 1205
- Bettman-Johnson Co 1440
- Lyons, E. G., & Raas Co 1247
- Rheinstrom, Minna W 1430

Brandy, apricot: N. J. No.
Pure Food Distilling Co. 1435
Schlesinger & Bender 1248
Brandy, blackberry:
Pure Food Distilling Co. 1435
Brandy, ginger:
Schlesinger & Bender 1248
"Cacao, Crême de":
Lyons, E. G., & Raas Co. 1247
"Cassis, Crême de":
Lyons, E. G., & Raas Co. 1247
Champagne. (*See* Wine, Champagne.)
Chateau Yquem:
Napa & Sonoma Wine Co. 1417
Cherry soda-water flavor, Special wild:
Blue Seal Supply Co. 1040
Cider:
Tip Top Bottling Co. 1362
Clarendon natural mineral spring water:
Clarendon Mineral Spring Co. 1392
Murray, Robert 1392
Coffee:
Bour, J. M., Co. 1286
Brokaw Merchandise Co. 1014
Climax Coffee & Baking Powder Co. 1017 (suppl. to 55)
Force, W. H., & Co. 1317
International Coffee Co. 1190, 1191, 1233
Israel, Leon, & Bros. 1084
Kenny, C. D., Co. 1279
McLaughlin, W. F., & Co. 1112
Mitchell Bros. 1317
Smith Bros. Co. (Ltd.) 1295
Wilde's, Samuel, Sons Co. 1125
Coffee essence:
Zverina, A. 1189
Cordial. (*See* Blackberry cordial.)
Cream of hops:
Temperance Beverage Co. 1420
"Crême de Cacao":
Lyons, E. G., & Raas Co. 1247
"Crême de Cassis":
Lyons, E. G., & Raas Co. 1247
Curaçao, Orange:
Lyons, E. G., & Raas Co. 1247
Essence, Coffee. (*See* Coffee essence.)
Extract, Malt. (*See* Malt extract.)
Gin, Mobile Buck:
Blumenthal & Bickert (Inc.). 1089
Gin, Piccadilly dry:
Sutton, Carden & Co. (Ltd.). 1347
Gin, Turkey:
Straus, Gunst & Co. 1255
Ginger ale:
Beaufont Lithia Water Co. 1026
Ginger brandy. (*See* Brandy, Ginger.)
Grape juice:
Bass Islands Vineyards Co. 1348
Duroy & Haines Co. 1283
Flickinger, S. M., Co. 1045
Granger, W. H., & Co. 1045
Grape juice—Continued. N. J. No.
Grape Products Co. (Inc.). 1045
Plimpton, Cowan & Co. 1045
Hop tonic:
Temperance Beverage Co. 1420
Malt extract:
Hamm, Theodore, Brewing Co. 1397
Mobile Buck Gin:
Blumenthal & Bickert (Inc.). 1089
Orange curaçao. (*See* Curaçao, Orange.)
Piccadilly Dry Gin:
Sutton, Carden & Co (Ltd.). 1347
Royal lithia water:
Anderson, William H. 1032
Sirup, Tamarind:
Bernogozzi, W. P. 1082
Soda-water flavor, Cherry:
Blue Seal Supply Co. 1040
Soda-water sirup cola:
Hutchinson, W. H., & Son. 1031
Special wild-cherry soda-water flavor:
Blue Seal Supply Co. 1040
Tamarind sirup. (*See* Sirup, Tamarind.)
Tate Spring natural mineral water:
Tate Spring Co. 1140
Tomlinson, Oscar R. 1140
Turkey gin. (*See* Gin, Turkey.)
Vermouth:
Hirsch, S., Distilling Co. 1354
Minuet Cordial Co. 1354
Water, Berry Hill mineral:
Berry Hill Mineral Spring Co. 1251
Water, Clarendon natural mineral spring:
Clarendon Mineral Spring Co. 1392
Murray, Robert 1392
Water, Royal lithia:
Anderson, William H. 1032
Water, Tate Spring natural mineral:
Tate Spring Co. 1140
Tomlinson, Oscar R. 1140
Water, Whittle's epsom-lithia:
Whittle Springs Co. 1139
Whisky:
McCormack, J. A. 1111
Whittle's epsom-lithia water:
Whittle Springs Co. 1139
Wine:
Dorn, John G. 1016 (suppl. to 83)
Schmidt, A., jr., & Bros. Wine Co. 1016 (suppl. to 83)
Sweet Valley Wine Co. 1016 (suppl. to 83)
Wine, Champagne:
Bardenheier, John, W ne & Liquor Co. 1144
Diamond Wine Co. (Inc.). 1144
Finke's, A., Widow 1020
Groezinger, Emile A. 1020
Lyons, E. G., & Raas Co. 1247
Ripin & Co. 1149
Schraubstadter, Ernest 1020
Wilson Fruit Juice Co. 1226
Wine, Chateau Yquem:
Napa & Sonoma Wine Co. 1417

DRUGS.

Antikamnia tablets: N. J. No.
Antikamnia Chemical Co. 1056
Antimalarico, Ferro-China:
Saunig, A. & Co. 1222
Asthma, Dr. Tucker's specific for: N. J. No.
Tucker, Nathan 1077
Asthma cure, Stello's:
Muller, William H. 1179

Baby's Friend, Kopp's: N. J. No.
Kopp, Mrs. J. A. 1068
Beauty cream, Kintho:
Kintho Mfg. Co 1379
Berry's freckle ointment:
Berry, Dr. C. H., Co 1376
Bitters, Fernet-Branca:
Maiolatesi, D., & Co 1284
Bitters (Fernet Milano):
Italian Importing Co 1152
Bitters, Ferro-China Bisleri-Bisleri's:
Maiolatesi, D., & Co 1284
Boro Pepsin, Laxative:
Senoret Chemical Co 1232
Brain Restorative, Dr. Peeble's:
Peeble's, Dr., Institute of Health (Ltd.) 1079
Camphor:
Middleton, L. D 1428
Cancer, Dr. Johnson's mild combination treatment for:
Johnson, O. A 1058 (suppl. to 266)
Catarrh cure, Hall's:
Cheney, F. J 1182
Cheney Medicine Co 1182
Cerrodanie capsules:
Cerrodanie Co 1025
Jameson, Samuel H 1025
Cherry balsam, Dr. Kennedy's:
Kennedy, Dr. David, Co 1234
Chewing gum. (*See* Gum, Chewing.)
Cholera mixture, Sun:
Merchants' Drug Corporation 1063
Coca calisaya:
Shepard Pharmacal Co 1219
Cocktail, Gold medal coffee:
Mihalovitch Co 1282
Cod liver oil cream, Morse's:
Morse, Hazen 1221
Coderre's Infants' sirups:
Mortimer, George, & Co 1277
Coffee cocktail, Gold medal:
Mihalovitch Co 1282
Colocynth, Powdered:
Woodward, Allaire, & Co 1012
Cough drops, Williams' Russian:
Williams, J. D., & Bro. Co 1197
Cream, Morse's (cod liver oil):
Morse, Hazen 1221
Croup remedy, Hoxsie's:
Kells Co 1218
Detchon's, Dr., relief for rheumatism:
Detchon, I. A 1091
Detchon's, Dr., relief for rheumatism tablets:
Detchon, I. A 1091
Dixie fever and pain powder:
Morris-Morton Drug Co 1178
Drug habit cure:
St. James Society 1291
Epilepsy cure:
Peeble's, Dr., Institute of Health (Ltd.) 1079
Epilepsy remedy, Dr. Lindley's:
Hollowell, A. K 1093
New Vienna Medicine Co 1093
Epilepsy treatment, Dr. Towns':
Towns', Dr., Medical Co 1170
Fernet-Branca bitters:
Maiolatesi, D., & Co 1284
(Fernet milano) bitters: N. J. No.
Italian Importing Co 1152
Ferro-China Antimalarico:
Saunig, A., & Co 1222
Ferro-China Bisleri-Bisleri's bitters:
Maiolatesi, D., & Co 1284
Fever and pain powder, Dixie:
Morris-Morton Drug Co 1178
Freckle ointment, Berry's:
Berry, Dr. C. H., Co 1376
German headache powder:
Tallman, Warren D 1350
Gessler's magic headache wafers:
Gessler, Max 1051
Gold medal coffee cocktail:
Mihalovitch Co 1282
Gum, Chewing:
Sterling Remedy Co 1078
Hair balsam:
Wells, E. S 1228
Hall's catarrh cure:
Cheney, F. J 1182
Cheney Medicine Co 1182
Headache powder, German:
Tallman, Warren D 1350
Headache powders, Peck's:
Peck-Johnson Co 1157
Headache wafers, Gessler's magic:
Gessler, Max 1051
Herculine tonic, Dr. Kennedy:
Kennedy, Dr. David, Co 1234
Hoxsie's croup remedy:
Kells Co 1218
Hydrogen peroxid:
Langley & Michaels Co 1390
Infants' sirup, Coderre's:
Mortimer, George, & Co 1277
Johnson's, Dr., mild combination treatment for cancer:
Johnson, O. A 1058 (suppl. to 266)
Kamala, Ground:
Woodward, Allaire & Co 1011
Kennedy's, Dr., cherry balsam:
Kennedy, Dr. David, Co 1234
Kennedy's, Dr., Herculine tonic:
Kennedy, Dr. David, Co 1234
Kennedy's, Dr., worm sirup:
Kennedy, Dr. David, Co 1234
Kintho beauty cream:
Kintho Mfg. Co 1379
Kline's, Dr., great nerve restorer:
Kline, Dr. R. H., Co 1070
Kopp's Baby's Friend:
Kopp, Mrs. J. A 1068
La Sanadora:
Romero, Benigo 1076
Laudanum:
Merchants' Drug Corporation 1063
Laxative Boro Pepsin:
Senoret Chemical Co 1232
Lindley's, Dr., epilepsy remedy:
Hollowell, A. K 1093
New Vienna Medicine Co 1093
Moffett's, Dr., Teethina:
Flourney, T. N 1019
Moffett, C. J., Medicine Co 1019

Morse's cream: N. J. No.
Morse, Hazen 1221
Nerv-Tonic, Dr. Peeble's:
Peeble's, Dr., Institute of Health (Ltd.) 1079
Nerve restorer, Dr. Kline's great:
Kline, Dr. R. H., Co 1070
Niter, Sweet spirits of:
Merchants' Drug Corporation 1063
Oxidine:
Patton-Worsham Drug Co 1035
Pain powder, Dixie fever and:
Morris-Morton Drug Co 1178
Peck's headache powders:
Peck-Johnson Co 1157
Peeble's, Dr., Brain Restorative:
Peeble's, Dr., Institute of Health (Ltd.) 1079
Peeble's, Dr., Nerv-Tonic:
Peeble's, Dr., Institute of Health (Ltd.) 1079
Pepsin, Laxative Boro:
Senoret Chemical Co 1232
Peroxid cream, A. D. S.:
American Druggists Syndicate 1194
Peroxide of hydrogen. (*See* Hydrogen peroxid.)
Pink root:
Rosenbaum, Isaac, & Sons 1339
Radio-sulpho:
Schuch, Philip, jr 1049
Radio-sulpho brew:
Schuch, Philip, jr 1049
Rheumatic cure:
Fitch Remedy Co 1024
Rheumatism, Dr. Detchon's relief for:
Detchon, I. A 1091
Rheumatism tablets, Dr. Detchon's relief for:
Detchon, I. A 1091
Senna, Alex., powdered: N. J. No.
Huber & Fuhrman Drug Mills 1009, 1010
Soothing sirup, Wood's:
Wood, William J 1322
Stello's asthma cure:
Muller, William H 1179
Sun cholera mixture:
Merchants' Drug Corporation 1063
Sweet spirits of niter
Merchants' Drug Corporation 1063
Sweet's honey vermifuge:
Van Vleet-Mansfield Drug Co 1113
Teethina, D. Moffett's:
Flourney, T. N 1019
Moffett, C. J., Medicine Co 1019
Towns', Dr., epilepsy treatment:
Towns', Dr., Medical Co 1170
Tucker's, Dr., specific for asthma:
Tucker, Nathan 1077
Turpentine:
American Coffee Co 1443
Bang, Charles 1373
Barclay Naval Stores Co 1373
Gilman, Z. D 1022
Pennsylvania Alcohol & Chemical Co 1124
Vermifuge, Sweet's honey:
Van Vleet-Mansfield Drug Co 1113
"Vino Vito":
American Cordial & Distilling Co 1215
Williams' Russian cough drops:
Williams, J. D., & Bro. Co 1197
Wood's soothing sirup:
Wood, William J 1322
Worm syrup, Dr. Kennedy's:
Kennedy, Dr. David, Co 1234

F. & D. No. 1206.
S. No. 418.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1451.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On or about December 1, 1909, the Hudson Manufacturing Co. shipped from the State of Illinois into the State of Louisiana two barrels of alleged vanilla extract consigned to the New Orleans Ice Cream Co. The product bore the following brand: "Hudson's Extract, made by the Hudson Manufacturing Co., Chicago, Ill." and attached to each of said barrels was a tag bearing the following inscription: "New Orleans Ice Cream Co., 415 Baronne St., New Orleans, La., from Hudson Mfg. Co., Chicago, Ill."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, indicated that the product had been fortified by the addition of commercial vanillin and coumarin; that it contained but a small quantity, if any, of vanilla extract, and was artificially colored. As it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure for confiscation under section 10 of said Act, the Secretary of Agriculture reported the facts to the United States Attorney for the Eastern District of Louisiana.

On January 29, 1910, a libel containing the usual jurisdictional averment was filed against the aforesaid two barrels of vanilla extract, alleging the adulteration and misbranding of said product. The said libel was subsequently twice amended and, as finally amended, alleged the adulteration and misbranding of the product as follows: Libellants aver that the extract mentioned in the original libel herein was, when shipped from the State of Illinois into the State of Louisiana, adulterated within the meaning of the Food and Drugs Act of June 30, 1906, in that there had been mixed and packed with it, so as to reduce, lower, and injuriously affect its quality and strength, commercial vanillin and coumarin; and that said commercial vanillin and coumarin had been substituted in whole or in part for

the genuine vanilla extract; and that said article of food, to wit, the extract aforesaid, had been mixed and colored in a manner whereby damage and inferiority were concealed. Libellants further aver that said article of food, to wit the extract aforesaid, was misbranded in this, that when it was offered for sale by the Hudson Manufacturing Co., of Chicago, Ill., to the New Orleans Ice Cream Co., it was offered for sale as vanilla extract, whereas, in truth and in fact, it was not genuine vanilla extract but was an imitation thereof, and was offered for sale under the distinctive name of another article, to wit, genuine vanilla extract. Process issued as prayed for in the libel and the said product was seized by the marshal of the court pursuant to its warrant of seizure. On February 21, 1910, the New Orleans Ice Cream Co. filed in said case a waiver and release of any and all right, title, and interest held by it in said product to the Hudson Manufacturing Co., and consent and agreement that said company might appear in said case as the sole owner and claimant of said product. On February 21, 1910, the Hudson Manufacturing Co. filed its intervention in said case as claimant of said property and also exceptions and demurrer to the libel, whereupon the court permitted the United States Attorney to amend the libel, and on June 9, 1910, the court entered an order overruling the said exceptions and demurrer to the said libel and gave claimant 10 days within which to answer. On June 17, 1910, the claimant, the Hudson Manufacturing Co., filed its answer to the said amended libel, to which answer the United States Attorney filed exception on December 29, 1910, which exception was sustained by the court, and on February 15, 1911, the claimant filed its amended answer. On April 3, 1911, the case coming on for trial, on motion of the United States Attorney a jury was impanelled to try the issues joined in the said case, and on April 4, 1911, after the introduction of testimony both by the Government and the claimant and argument of counsel, the case was submitted to the jury, who returned a verdict finding the goods both adulterated and misbranded, whereupon the claimant, by its attorneys, moved the court for a new trial, which motion, as subsequently amended, was refused by the court, and thereupon, on May 12, 1911, entered its decree in accordance with the verdict of the jury condemning and forfeiting the product to the United States as being adulterated and misbranded, and ordering it to be sold by the marshal, but with the proviso that the same might be released to the claimants upon the payment by them of all costs and the execution of a good and sufficient bond in the sum of $500, conditioned that said product should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession of the United States.

On October 18, 1911, claimant having duly excepted to the order of the court refusing its motion for a new trial and filed its bill of exception, sued out a writ of error in said case to the United States Circuit Court of Appeals for the Fifth Circuit. After a full hearing of said case by the said Circuit Court of Appeals of the Fifth Circuit, the following judgment was rendered affirming the decree of the lower court:

Before PARDEE and MCCORMICK, Circuit Judges, and MAXEY, District Judge.

By the COURT:

Where there is no proof that the words "Hudson's Extract" have a well-known trade meaning, an imitation of vanilla marked "Hudson's Extract," without giving any indication of what the article is composed, shows a clean case of misbranding under the Pure Food Law.

The Judgment of the District Court is affirmed.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 11, 1912.*

1451

F. & D. No. 1720.
I S. No. 18172-b.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1452.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF WINE.

On November 1, 1910, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agricuture, filed information in the District Court of the United States for said district against the Bettman-Johnson Co., a corporation, Cincinnati, Ohio, alleging shipment by it, in violation of the Food and Drugs Act, on or about March 16, 1910, from the State of Ohio into the State of Illinois of a quantity of wine which was misbranded. The product was labeled: "Ein guter Trunk macht Alte jung, Niersteiner Type." The words "Ein guter trunk macht alte jung," aforesaid, are words of the German language, and appeared upon said label on said article of food in the German style of type; the word "Niersteiner," aforesaid, is also a word of the German language, and appeared on said label on said article of food in very large and conspicuous type, and then and there formed and constituted the principal name and label of said article of food. The word "type" aforementioned was stamped on said label in small and inconspicuous letters, and was so placed on said label as not to be readily discernible or apparent. There was also printed and impressed upon said label on said article of food, certain pictorial representations and delineations and certain designs and devices, which were calculated to, and they did, induce the belief and understanding in the mind of the purchaser that said article of food was of foreign origin and manufacture.

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Specific gravity at 15.6°	0.99537
Alcohol (per cent by volume)	11.60
Solids (grams per 100 cc)	2.39
Reducing sugars as invert (grams per 100 cc)	.53
Polarization direct at 20° C. °V.	1.6

Polarization invert at 20° C.....°V..	1.6
Total acid, as tartaric (grams per 100 cc)	.69
Volatile acid, as acetic (grams per 100 cc)	.168
Tartaric acid by precipitation (grams per 100 cc).....	.222
Tannin (grams per 100 cc).....	.031
Nonsugar solids (grams per 100 cc).....	1.86
Ash (grams per 100 cc).....	.258

Misbranding was alleged against said product for the reason that it was labeled and branded so as to deceive and mislead the purchaser in that the label represented the article to be a foreign product and of German origin and manufacture when in fact said article of food was a domestic product of American origin and manufacture and the label was false and misleading.

On October 10, 1911, the defendant entered a plea of nolo contendere, and on February 2, 1912, the court imposed a fine of $25 and costs.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 11, 1912.*

1452

O

F. & D. No. 1939.
I. S. No. 18729-b.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1453.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF EXTRACT OF GINGER.

On November 25, 1910, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Bettman-Johnson Co., a corporation, of Cincinnati, Ohio, alleging shipment by it, in violation of the Food and Drugs Act, on or about May 6, 1910, from the State of Ohio into the State of Texas, of a quantity of extract of ginger which was adulterated and misbranded. The product was labeled: "Extract of Ginger," "Splendid for Stomach & Bowel Complaints. Guaranteed to comply with all national and state Pure Food Laws. Serial Number 2161." "Should this extract cloud in cold weather it is due to the excessive amount of ginger in solution. It will readily clear without any sediment if placed in a warm room."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc.), 0.72; alcohol (per cent by volume), 45.2; capsicum test, positive; ginger test, positive. Adulteration of said product was alleged in the information in form as follows: First, that other substances, to wit, a dilute solution of alcohol and ginger, and capsicum, were substituted wholly or in part for what said article by its said label purported to be, to wit, "extract of ginger;" that said article of food, so purporting and representing to be "extract of ginger," did not then and there contain more than a mere trace of ginger, and was not then and there of the quality and strength required by the aforementioned standards; and that said article of food did then and there contain "capsicum" which is not a normal ingredient of genuine "extract of ginger" but is a substance entirely foreign to such "extract of ginger." Second, that said dilute solution of alcohol and ginger, and that said capsicum were then and there mixed and packed as, for, and with said article of

food labeled, sold, and shipped as aforesaid, so as to reduce and lower and injuriously affect the quality and strength of the article of food which the same then and there purported to be, to wit, "extract of ginger." Misbranding of said product was alleged in the information in form as follows: First, that said article of food was then and there offered for sale and sold under the distinctive name of another article of food, to wit, "extract of ginger;" whereas said article of food was not then and there "extract of ginger" as that product is understood, known, and recognized by the trade, the public generally, and the standards of purity for food products, established in accordance with law, as the same is above set forth; and that said article of food was then and there an imitation of the genuine "extract of ginger" of the recognized standard of quality and strength. Second, that said article of food was labeled and branded, as aforesaid, so as to deceive and mislead the purchaser, in that said label and brand was calculated to, and it did, induce the understanding and belief in the mind of the purchaser thereof that said article of food was then and there "extract of ginger," which conformed to the known and recognized standard of quality and strength; whereas in truth and in fact said article of food, labeled as aforesaid, was then and there a dilute solution of alcohol, and ginger in very small quantity, with capsicum added thereto (which latter ingredient, to wit, capsicum, was not and is not a normal constituent of "extract of ginger"), and said article of food was not then and there "extract of ginger," as understood, known, and recognized by the trade, the public generally and the standards of purity for food products, established according to law. Third, that said label and brand on said article of food did then and there bear a statement regarding said article of food, and the ingredients and substances contained therein, which said statement, to wit, "Extract of Ginger," was then and there false, misleading, and deceptive, in that said statement purported and represented said article of food then and there to be genuine "extract of ginger," as that product is understood, known, and recognized by the trade, the public generally, and standards of purity for food products, established in accordance with law; whereas, such statement was untrue and false, for the reasons hereinbefore more particularly set forth.

On October 10, 1911, the defendant entered a plea of nolo contendere, and on February 2, 1912, the court imposed a fine of $25 and costs.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 12, 1912.*

1453

○

F. & D. No. 1948.
I. S. No. 18737-b. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1454.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PEPPERMINT EXTRACT.

On November 25, 1910, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agriculture, filed information in the District Court for said district against the Bettman-Johnson Co., a corporation, Cincinnati, Ohio, alleging shipment by it, in violation of the Food and Drugs Act, on or about February 19, 1910, from the State of Ohio into the State of Texas of a quantity of peppermint extract which was adulterated and misbranded. The product was labeled: "Eclipse Extracts", "Distilled or extracted by modern and scientific methods from carefully selected and choicest leaves, herbs and roots. Guaranteed to comply with the National Pure Food and Drugs Act, June 30th, 1906." "Peppermint Extract."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Alcohol (per cent by volume), 33.7; peppermint oil (grams per 100 cc), 0.045; artificial color, Naphthol Yellow S. Adulteration of the aforesaid product was alleged in the information in form as follows: First, that another substance, to wit, a dilute solution of alcohol, containing an infinitesimal quantity of the oil of peppermint, the whole having added thereto an artificial coloring matter as hereinbefore set out, was then and there substituted wholly for what said article of food by its said brand and label purported to be, namely, "peppermint extract." Second, that said dilute solution of alcohol, containing an infinitesimal quantity of the oil of peppermint and having added thereto said artificial coloring matter as hereinbefore set out, was then and there mixed and packed as, for, and with said article of food so purporting to be "peppermint extract," so as to reduce and lower and injuriously affect the quality and strength of the same. Misbranding of said product was alleged in the information in form as follows: First,

that said article of food was then and there offered for sale and sold under the distinctive name of another article of food, to wit, "peppermint extract;" whereas said article of food was not then and there "peppermint extract," for the reasons and because of the facts hereinbefore set forth, but that said article of food was then and there an imitation of the genuine "peppermint extract" of the recognized standard of quality and strength. Second, that said article of food was labeled and branded as aforesaid, so as to deceive and mislead the purchaser thereof, in that said label and brand was calculated and intended to, and it did, create the impression and belief in the mind of the purchaser thereof that said article of food was then and there "peppermint extract," which conformed to the known and recognized standards of quality and strength; whereas in truth and in fact, it was not such "peppermint extract," for the reasons, and because of the facts hereinbefore more particularly set forth. Third, that said label and brand on said article of food did then and there bear a statement regarding said article of food and the ingredients and substances contained therein, which said statement, to wit, "peppermint extract," was then and there false, misleading, and deceptive, in that said statement purported and represented said article of food then and there to be genuine "peppermint extract"; whereas, such was not the fact, and said statement was untrue and false, for the reasons and because of the facts hereinbefore more particularly set forth.

On October 10, 1911, the defendant entered a plea of nolo contendere, and on February 2, 1912, the court fined the defendant $25 and costs.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 12, 1912.*

1454

O

F. & D. No. 966.
S. No. 352.
Issued May 27, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1455.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED ADULTERATION AND MISBRANDING OF COCA COLA.

On October 21, 1909, the United States Attorney for the Eastern District of Tennessee, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 40 barrels and 20 kegs of Coca Cola, in the possession of the Coca Cola Bottling Works, Chattanooga, Tenn. The barrels and kegs were labeled as follows: (Design of leaves and nuts). "Delicious and refreshing Coca Cola, manufactured by the Coca Cola Company, Atlanta, Toronto, Canada, Havana, Cuba, Philadelphia, Chicago, Los Angeles, Dallas. We guarantee the contents of this package to comply with the Food and Drugs Act of June 30, 1906. Our serial Number is 3324. The Coca Cola Company, By Asa G. Candler, Pt."

Analysis of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results—

Caffein (grains per fluid ounce)	0.92–1.30
Phosphoric acid (H_3PO_4) (per cent)	0.26–0.30
Sugar, total (per cent)	48.86–58.00
Alcohol (per cent by volume)	0.90–1.27
Caramel, glycerine, lime juice, essential oils, and plant extractive	Present.
Water (per cent)	34.00–41.00

The libel alleged that the Coca Cola, after transportation from the State of Georgia into the State of Tennessee, remained in the original unbroken packages, and was adulterated and misbranded, in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. In due course, the Coca Cola Company entered its appearance and excepted to the libel. The exceptions were

sustained in part, and thereafter the libellant, by leave of court, filed the following amended libel:

DISTRICT COURT OF THE UNITED STATES, SOUTHERN DIVISION, EASTERN DISTRICT OF TENNESSEE.

UNITED STATES OF AMERICA
vs.
FORTY BARRELS AND TWENTY KEGS OF COCA COLA.

AMENDED INFORMATION.

To the honorable E. T. SANFORD, judge, holding and presiding in said court.

This Amended Libel of the United States of America in and for the Southern Division of the Eastern District of Tennessee, prosecuted by the United States Attorney in and for said District, respectfully represents and shows:

I.

The Original Libel herein was filed by the United States of America through the District Attorney in and for the District aforesaid, and prayed seizure for condemnation of 40 Barrels and 20 Kegs of a certain article of food or food product, purported and represented to be "Coca Cola." Said condemnation was sought under Act of Congress commonly known as "Food and Drugs Act".

Pursuant to the prayer of said Original Libel, seizure of said food product was had, after which The Coca Cola Company, of Atlanta, Georgia, intervened and gave bond as in such cases provided, whereupon said food product, with the exception of one keg, was released.

Said seizure and condemnation were sought because of the matters in said Original Libel shown, all of which, together with other causes and grounds for seizure and condemnation, are hereinafter set forth.

II.

And in this behalf the United States of America, by this Amended Libel, represents that on or about the 18th of October, 1908, The Coca Cola Company, of Atlanta, Georgia, a corporation doing business in several States, and particularly in the States of Georgia and Tennessee, transported or caused to be transported for sale by an Interstate Carrier, from the City of Atlanta, Georgia, to Chattanooga, Tennessee, consigned to Coca Cola Bottling Works alone, or to it in connection with and for the use of itself and one or more other persons, partnerships, or corporations, a consignment of 40 barrels and 20 kegs of said food product, Coca Cola.

Said 40 barrels and 20 kegs of Coca Cola thus transported for sale were each and all labeled:

> "Delicious and refreshing Coca Cola, manufactured by the Coca Cola Company, Atlanta, Toronto, Canada, Havana, Cuba, Philadelphia, Chicago, Los Angeles, Dallas. We guarantee the contents of this package to comply with the Food and Drugs Act of June 30, 1906. Our serial number is 3324.
>
> "THE COCA COLA COMPANY,
> "By ASA G. CANDLER, Pt."

Said consignment of 40 barrels and 20 kegs was an interstate shipment and was received at Chattanooga on or about October 20, 1909, and on or about said date was seized under the original Information or Libel filed herein, and at the time of filing such original Information and of such seizure, said consignment of 40 barrels and 20 kegs of Coca Cola remained unloaded, unsold or in original unbroken packages, in Chattanooga, Tennessee.

Said food product, as above stated and described, was adulterated under the Act of Congress aforesaid, in this,

(a) Said product contained an added ingredient, caffein, which was and is a poisonous ingredient, and might have rendered and may render said food product injurious to health.

(b) Said product contained an added ingredient, caffein, which was a deleterious ingredient, and may render or might have rendered said food product injurious to health.

(c) Said food product had been mixed, colored, powdered, coated or stained by the use of sugar coloring, caramel and other coloring substances and by the use of certain flavoring substances, consisting of oil of lemon, sugar, syrup and lime juice, whereby damage or inferiority of the mixture (the food product, Coca Cola) was concealed, in this that said food product, in the mixing and preparation, contained germs emanating from the body, perspiration and spittle of the employes of The Coca Cola Company, engaged in mixing and making said food product; and it also contained germs due to divers unsanitary conditions, such as overhanging cobwebs, dirty factory, machinery, apparatus and appliances, insects of various kinds, flies, spiders and mice: Wherefore, and by reason of said germs and other substances above enumerated, together with the unsanitary surroundings and conditions incident to manufacture, said food product was of a damaged and inferior quality, which damage and inferiority was concealed by the flavoring and coloring aforesaid.

SECOND COUNT.

And said The Coca Cola Company of Atlanta, Georgia, transported or caused to be transported for sale the 40 barrels and 20 kegs of said food product, Coca Cola, as in the first count hereof

shown to Coca Cola Bottling Works, Chattanooga, Tennessee, alone, or for itself and another or others, labeled as in the first count shown.

And said consignment and transportation, made for the purpose of sale, was received by the consignee or consignees, one or all, on or about October 20, 1909, and on or about said date was seized under the Original Information filed herein, and at the time of such filing and seizure, said 40 barrels and 20 kegs remained unloaded, unsold or in original unbroken packages, in Chattanooga, Tennessee.

The shipper was a corporation, and for a number of years past engaged in the sale of said food product, and the said product thus transported and seized was misbranded in violation of the Food and Drugs Act of June 30, 1906, passed by Congress, in this,

(1) The label on each package, among other things, contained the statement "Delicious and Refreshing Coca Cola." The expression "Coca Cola" thus employed was and is a representation of the presence in said food product of the substances Coca and Cola. There are and were such substances popularly known as Coca and Cola, and under their own distinctive names, but said food product "Coca Cola" contained no Coca and little, if any, Cola.

Therefore, said food product is (1) an imitation of the articles or substances Coca and Cola, and (2) was offered for sale under the distinctive name of said two substances Coca and Cola.

(2) Each label on said barrels and kegs bore not only the said statement "Delicious and refreshing Coca Cola", among other things, but also a pictorial design of Coca leaves and Cola nuts, which was and is a suggestion and representation of the presence of Coca and Cola in said food product "Coca Cola". The Coca leaves were thus represented to be the leaves of the Coca plant, and the Cola nuts to be the fruit of the Cola plant.

Wherefore, said pictorial design was a representation and suggestion of the presence of both Coca and Cola in said food product, when in truth it did not contain any Coca and contained little, if any, Cola in its composition, and thus said statement and pictorial design appearing on said labels and packages were and are false and misleading statements and designs regarding the ingredients and substances contained in said barrels, kegs and product.

III.

Wherefore, The United States of America prayed in the original Libel that process issue and that the United States Marshal of this District be commanded to seize the barrels and kegs aforesaid for condemnation, confiscation and to be dealt with as the law directs and this Honorable Court might determine, which prayer is here and now adopted and renewed, and the Honorable Court is further asked to

proceed as in cases of admiralty, so far as is applicable, and that by appropriate order the article of food and food product aforesaid be condemned at the suit of this libelant, according to Act of Congress, and that the intervenor and claimant be charged with all the costs of this cause and required to pay such further sums and penalties as warranted by Statute.

And Libelant further prays for such other, further and general relief as the nature of the case may require.

Whereupon the claimant answered said amended libel as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DIVISION OF THE EASTERN DISTRICT OF TENNESSEE.

THE UNITED STATES
vs.
FORTY BARRELS & TWENTY KEGS of Coca Cola.
} Answer to amended information.

Now comes the Coca Cola Company, defendant to said cause, and for answer to the amended information filed in said cause, says:

1. "Defendant admits the averments in paragraph I of said amended information.

2. "Defendant admits that it is a corporation as alleged; that it shipped, as averred, forty barrels and twenty kegs of a food product, known as Coca-Cola, and that said forty barrels and twenty kegs were each and all labeled as follows:

> 'Delicious and refreshing Coca-Cola, manufactured by The Coca-Cola Company, Atlanta, Toronto, Canada, Havana, Cuba, Philadelphia, Chicago, Los Angeles, Dallas. We guarantee the contents of this package to comply with the requirements of the Food and Drugs Act of June 30, 1906. Our serial number is 3324.
>
> 'THE COCA-COLA COMPANY
> 'By ASA G. CANDLER, Pt.'

"It is admitted that said consignment was an interstate shipment; that it was received by the consignee in Chattanooga, Tennessee, on or about the date stated in the information; and that it remained in the original unbroken packages, in Chattanooga, Tennessee, and in the possession of the consignee at the time it was seized by the Marshal under the attachment issued in this cause.

"(a) It is admitted that said food product contained as one of the ingredients, a small proportion of caffeine, but it is denied that the caffeine as so contained was or is an added ingredient, and it is denied that the caffeine was or is a poisonous ingredient, which might have rendered or may render said food product injurious to health.

" (b) It is denied that the caffeine as so contained was or is an added ingredient, and it is denied that the caffeine as contained in the food product was or is a deleterious ingredient, which may render or might have rendered said food product injurious to health.

" (c) Defendant denies each and every averment contained in subsection (c) of Paragraph II of said amended information."

" III.

" (1) Defendant denies that the expression 'Coca-Cola', as used on the labels on said packages, was or is a representation of the presence in said food product of the substances Coca and Cola; and denies that there are such substances known as Coca and Cola under their own distinctive names. But said product does contain certain elements or substances derived from coca leaves and cola nuts.

" (2) Defendant denies that said product is or was an imitation of, or is or was offered for sale under the distinctive name of any other article."

" (3) Defendant denies that the labels on said barrels and kegs bear any statements or pictorial design regarding the ingredients and substances contained therein which are false or misleading in any particular.

" (4) And for further answer, defendant says that the name of said food product, as contained on the labels aforesaid, to wit, 'Coca-Cola' is the distinctive name of the said product, under which said product is now known and sold, and has been known and sold for more than twenty years past, as an article of food; that said food product is a mixture or compound, which does not contain any added poisonous or deleterious ingredient, and is not an imitation of or offered for sale under the distinctive name of any other article; and that said name is accompanied on the same label with a statement of the places where said article is manufactured or produced.

" Wherefore, defendant pleads and says that said article is not to be deemed adulterated or misbranded, under the provisions of said Food and Drugs Act of June 30, 1906.

"(5) Each and every allegation of said amended information not hereinbefore specifically admitted or denied is now denied."

On March 13, 1911, the case coming on for trial and the claimant having demanded trial by jury of the issues of fact joined in the case, a jury was duly empaneled and sworn. Upon the conclusion of the testimony for both libellant and claimant, counsel for claimant moved the court for peremptory instructions to the jury on the points which fully appear in the judgment of the court hereinafter set forth.

The court, after hearing argument of counsel on said motion, rendered the following opinion:

THE COURT: I have reached conclusions on the Claimant's motion for peremptory instructions.

1. The chief question in this case arises under the allegations of the Government's libel that the food product, Coca-Cola, which it seeks to condemn, is adulterated in that it contains "an added ingredient, caffeine," which is alleged to be a poisonous and deleterious ingredient that may render such food product injurious to health.

Assuming, for the purpose of determining this motion that if the caffeine, which is admittedly contained in the Coca-Cola in the proportion of about one and one-fifth grains to each fluid ounce of the syrup, is an "added" ingredient within the meaning of the Food and Drugs Act, there is such conflict in the evidence as to whether it is a deleterious ingredient which may cause injury to the health that the question of its qualities and effect should be submitted to the jury for determination, as a question of fact and not of law, the preliminary question arises, whether upon the undisputed evidence in this case, it can be deemed an "added" ingredient to the Coca-Cola within the meaning of the Food and Drugs Act, so that its presence can in any event cause an adulteration of that article within the meaning of the Act.

The material provisions of the Act, in so far as they bear upon this question, are as follows:

By Section 6 it is provided that the term "food" as used therein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed, or compound.

By Section 7 it is provided that confectionery shall be deemed to be adulterated if it contain any "mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health" and that an article of food shall be deemed to be adulterated "if it contain any *added* poisonous or other *added* deleterious ingredient which may render such article injurious to health."

By Section 8 it is provided that an article of food shall be deemed to be misbranded "If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular; Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases; First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another

article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced," and " Provided further, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome *added* ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding."

And by Section 11 it is provided that if it shall appear to the Secretary of Agriculture upon examination of samples " That any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, such article shall be refused admission."

In determining the meaning and effect of these provisions of the Act, I have been greatly aided by the argument of counsel for both parties, who have clearly and forcibly stated their respective contentions, and who have conducted the case throughout with signal ability, learning, and effectiveness.

Comparing then these several provisions of the Act, so as to give each its reasonable and just meaning, consistently with each other and in accordance with the general purpose of the Act, I am constrained to conclude that the use of the word "Added " as applied to poisonous and deleterious ingredients in articles of food other than confectionery, in sections 7 and 8 of the Act, can not be regarded as meaningless, and that by contrast with the provision in Section 8 that " confectionery," which is usually an artificial compound, shall be deemed to be adulterated if it contain any " ingredient deleterious or detrimental to health " and with the provision in Section 11 that admission may be refused to any food or drug offered to be imported into the United States if it be adulterated or misbranded within the meaning of the Act or " otherwise dangerous to the health of the people of the United States," it was intended to provide by Sections 7 and 8 that any articles of food manufactured and sold in this country in interstate commerce should not be deemed to be adulterated merely because they contained a poisonous or deleterious ingredient, except in the case of confectionery, but that all other articles of food, whether simple or compound, were not to be deemed adulterated on account of the presence of a poisonous or deleterious ingredient unless such ingredient was " added " to the article of food in question, that is, was an ingredient foreign to its natural or normal constituency; and that this distinction applies by the specific provisions of Section 8 to compound articles of food known under their own distinctive names not an imitation of or offered for sale under the distinctive

name of any other article, and properly labeled as to the place of manufacture.

Thus a natural article of food, for example, coffee, can not be deemed adulterated, even although the average cup contains a larger amount of caffeine than an ordinary drink of Coca-Cola, and even if caffeine may be properly regarded as a deleterious ingredient injurious to health, since such caffeine is clearly not an added ingredient to the coffee foreign to its composition, but is one of the essential ingredients naturally and normally entering into its composition. So an article of food which is not sold under a distinctive trade-name but under a well recognized name that has acquired a distinct meaning in general popular usage, as for example, sausage can not be deemed adulterated within the meaning of the Act, however deleterious to health some of its normal ingredients may be, provided that, as manufactured and sold, it does not contain any other poisonous or deleterious ingredients added to its normal and customary constituents. And so, likewise, I think it is clear from the provisions of the Act that a compound article of food which is manufactured and sold under its own distinctive name and properly labeled, with whose qualities and effect the public has been familiar, and for which they see fit to buy it, is not to be adulterated within the meaning of the Act, provided that when manufactured and sold under this distinctive name it contains no poisonous or deleterious ingredients in addition to its normal and customary constituents as it has been habitually and regularly manufactured and sold to the public under such distinctive name; although, of course, if it were attempted to add to an article of food thus sold under its distinctive name another ingredient which it had not regularly and habitually contained under the distinctive name under which it had been sold to the public, and such added ingredient were poisonous or deleterious, it would thereby become subject to condemnation under the provisions of the Act.

To hold otherwise would, in my opinion, render the word "added" as repeatedly used in the Act in connection with poisonous and deleterious ingredients, entirely meaningless, and would involve an irreconcilable contradiction in the clauses of the Act in which it is expressly provided that a mixture or compound known as an article of food under its own distinctive name, not an imitation of or offered for sale under the distinctive name of another article of food, and not containing any "added" poisonous or deleterious ingredient shall not be deemed to be adulterated. The conclusion is, to my mind, unavoidable, that by the use of this language Congress intended to provide that a compound article of food thus known, labeled and sold under its own distinctive name, should be assimilated to a natural product and not be deemed to be adulterated, whatever the character of its ingredients, if it contained no in-

gredients other than those habitually and regularly entering into it as constituents under the form and with the characteristics with which it had acquired its distinctive name and become known to the public. In this case, as in the case of a natural food product, if the article is sold under the same distinctive name with the same constituents and with the addition of no other ingredients whatever, the public in purchasing the article is not deceived—as it would be if an essential constituent ingredient were left out—but on the contrary, obtains exactly the article which it has been accustomed to buy under this distinctive name, and which possesses exactly the qualities and produces exactly the effect which renders it in the mind of the public a desirable article of consumption, without addition, change or adulteration. And while it is true that a purchaser of Coca-Cola, for example, may not know either that it contains caffeine at all or the actual quantity of caffeine that it contains, the same thing may be true of the purchaser of coffee, or of other natural foods containing poisonous or deleterious ingredients. However, in the one case, as in the other, the purchaser obtains the article which he desires in its entire make-up and composition, without addition or subtraction, and without the addition of any deleterious ingredient with whose effect he is unaccustomed, and which he does not desire. In short, in the one case, as in the other, the public obtains without deception exactly the article which it wishes to buy, producing the effect which it desires; and in the one case as well as in the other, I think the article cannot be properly said to be adulterated within the meaning of the Food and Drugs Act, and the plainly expressed intention of Congress on this subject.

To hold otherwise, in my opinion, would be beyond the province of the Court and an attempt to reach by judicial construction a supposed evil in the composition of articles of food sold under their distinctive names, which, if a remedy be required, can only properly be obtained by legislation. It is well settled that the function of the court in the enforcement of a statute is limited to the ascertainment of the legislative intent as expressed in the Act, and cannot extend to either legislation or amendment, and that consideration of apparent hardship will not justify a strained interpretation of the law as it is written. The question, therefore, as to whether the Act as drawn is lacking in essential provisions for the protection of the public health in failing to provide that other articles of food as well as confectionery shall be deemed adulterated if they contain any ingredient deleterious or detrimental to health is clearly a legislative question which it is not within the province of the Court to determine.

Applying the Act as thus construed to the undisputed facts in evidence, I find the facts established, without any contradictory evi-

dence, to be that the name " Coca-Cola " is a trade name which has for many years been given by the manufacturer to the food product in question, and upon which name a copyright was many years ago obtained; that this food product is an artificial compound used in the preparation of beverages consisting of a sweet syrup colored with caramel, with some phosphoric acid, lemon juice and other minor ingredients, with perhaps some ingredients or qualities derived from the coca leaves and cola nuts which are used to a certain extent in its preparation after being subjected to a process by which the cocaine and certain other ingredients are extracted and also containing as an essential ingredient of the compound caffeine obtained in the main by chemical extraction from tea; that this compound has been for many years manufactured under a formula prescribing certain definite proportions of such caffeine as one of its essential ingredients; that for many years as so manufactured and sold it has regularly and habitually contained the same approximate amount of caffeine, being about one and one-fifth grains to each fluid ounce of the syrup, although slightly less caffeine is contained in the syrup prepared for use in bottles than in that prepared for use at soda fountains and although the percentage of caffeine in each individual container may vary slightly owing to process of manufacture employed, the average caffeine content being, however, substantially as above stated; that for many years this compound, containing such caffeine, has been sold under this trade-mark name of " Coca-Cola," has been extensively advertised under this name, and has under this name become generally known to the trade and to consumers in the United States; that no other article of food or beverage has been either manufactured or sold under the name of Coca-Cola, that it imitates no other article and is not sold under the distinctive name of any other article, and that this name distinguishes this particular product from all other beverages and articles, and clearly identifies it as a particular kind and brand of beverage made by its manufacturer and sold under this name, and distinguishes it from all other beverages or food products manufactured and sold by other persons.

I therefore find, as a conclusion of law, from these facts, that the name " Coca-Cola ", is and was at the time this libel was filed, a distinctive name which clearly distinguishes this particular compound from any other food product, and I further find from the undisputed facts in evidence that the " Coca-Cola " sought to be condemned in this case is and was when the libel was filed, a compound known as an article of food under its own distinctive name; that it is and was not an imitation of or offered for sale under the distinctive name of any other article; that the name on the label is and was accompanied with a statement of the places where the article was manufactured; and that the caffeine which it contained is and was not an " added

ingredient" within the meaning of the Food and Drugs Act but is and was a usual and normal constituent of the article that had been and was known to the public under the distinctive name of "Coca-Cola." And I therefore conclude that as a matter of law the Coca-Cola in question is not to be deemed as adulterated by the presence of caffeine as an "added" ingredient within the true intent and meaning of the Act.

The conclusion thus reached is strengthened by a consideration of the pleadings in this case. In the libel it is alleged that the food product "Coca-Cola" which it was sought to condemn is adulterated in that it contained an "added ingredient" caffeine, which was and is both poisonous and deleterious, yet the entire proof unquestionably shows that the caffeine contained in the article Coca-Cola is one of its regular, habitual and essential constituents, and that without its presence, that is, if it were de-caffeinized, so to speak, the product would lack one of its essential elements and fail to produce upon the consumers a characteristic if not the most characteristic effect which is obtained from its use. In short Coca-Cola without caffeine would not be "Coca-Cola" as it is known to the public and would not produce the effect which the Coca-Cola bought by the public under that name produces, and if it were sold as "Coca-Cola" without containing caffeine the public buying it under this name would be in fact deceived.

The Government's contention then, under the proof, leads to this—there being, it is to be observed, no issue raised in the pleadings as to the amount of caffeine contained—that an entire compound containing a certain ingredient, which is one of its essential ingredients, and without which the compound would lose its characteristic qualities, is, as an entire compound, to be deemed adulterated because it contains such ingredient, on the theory that such ingredient is added to the compound, as distinguished from being contained in it as an essential constituent of the entire compound. It is difficult to see, however, how any part which is an essential of an entire article, and without which the entire article would not exist, can be properly deemed to be added to the entire article, or, in short, to be added to or adulterate itself.

The case would be different, of course, if the libel alleged that any other constituent of the compound, as for example the syrup, was sold as syrup, and in fact adulterated with caffeine. That, however, is not the case. The libel specifically alleges that the food product "Coca-Cola" is adulterated by the addition of caffeine, and the proof unquestionably shows that the caffeine is not an addition to this compound, but is one of its essential and normal ingredients under the distinctive name under which it has been sold and is known to the public.

It results that in so far as the libel charges that Coca-Cola is adulterated because it contains caffeine as an added ingredient, the claimant's motion for peremptory instructions must be sustained.

2. It is also alleged in the libel that the name "Coca-Cola" as used on the label, suggests and represents the presence in this food product of coca, meaning the leaves of the coca plant, and that this product does not in fact contain any coca in its composition, thereby constituting a false and misleading statement regarding the ingredients and substances contained in the "Coca-Cola."

Assuming, for the purpose of determining this motion that there may be a disputed question of fact as to whether the use of the word "coca" in the name contained upon the label is to be regarded intrinsically and originally as a statement of suggestion of the presence in the product of the leaves of the coca plant or of some material element or quality derived therefrom, and further assuming that there may be a conflict in the evidence as to whether or not there is contained in "Coca-Cola" any portion of the leaves of the cola plant or any substance or quality derived therefrom to any material degree, the preliminary question arises as to whether, upon the other undisputed facts in evidence these issues of fact shall be submitted to the jury for their determination, as questions of fact, or whether under the other undisputed evidence in the case, these allegations, if true, are, as a matter of law, immaterial.

Without stating my reasons in detail it is sufficient at this time to say that after careful consideration of the question I have, for reasons directly analogous to those which determined my conclusions in reference to the adulteration of an article sold under the distinctive name, concluded that it was the intention of Congress to provide that where a compound article of food was known under its own distinctive name, was not an imitation of any other article of food or sold under the distinctive name of any other article, was properly labeled as to the place of manufacture, and contained no "added" poisonous or deleterious ingredient, it should not be deemed misbranded within the meaning of the Food & Drugs Act in so far as any statement of suggestion contained in the name itself is concerned. To hold otherwise would in my opinion, involve an absolute and irreconcilable contradiction between the several clauses in section 8 of the Act and would render meaningless the express provision of that section that a compound known as an article of food under its own distinctive name, not an imitation of or offered for sale under the distinctive name of another article, properly labeled with the place of manufacture, and not containing any added poisonous or deleterious ingredients, shall not be deemed to be misbranded. Obviously if the article contains the same constituents as those normally and regularly contained under the distinctive name under which it is sold and

under which it is known to the public, the distinctive name indicating this distinctive article, is not misleading, but on the contrary serves to directly inform the public that it is the specific article which the public knows under that name and desires to buy.

It results from the facts hereinbefore found from the undisputed evidence that in so far as the libel charges the misbranding of the Coca-Cola by reason of any false statement of suggestion contained in the name itself, the claimant's motion for peremptory instructions must be sustained.

3. It also results from what has been heretofore stated that in so far as the libel charges that the Coca-Cola is misbranded because of being an imitation of or offered for sale under the distinctive name of another article, in the entire absence of evidence to show that this is the case, the claimant's motion for peremptory instructions in so far as this charge of the libel is concerned, must also be sustained.

4. With reference to the charge that the Coca-Cola was misbranded by reason of being mixed, colored or stained by the use of coloring substance whereby damage or inferiority of the mixture was concealed, without expressing any opinion upon the weight of the evidence, I am of the opinion that the evidence is not so undisputed as to constitute the solution of this question a mere matter of law, but that this question should be left to the jury under the issues raised by the pleadings.

So far, therefore, as this charge in the libel is concerned, claimant's motion must be overruled.

5. As to the charge in the libel that the pictorial design of coca leaves on the labels is misleading in that it represents and suggests the presence of the substance coca in the "Coca-Cola" product I have had great difficulty. While it is apparently true that under the provision of the Act heretofore quoted that no compound food product sold under its own distinctive name shall be deemed to be misbranded, when it contains no added poisonous or deleterious ingredient and is otherwise sold and labeled in accordance with the Act, it would apparently follow as a matter of the strict letter of the law that in the absence of any added poisonous or deleterious ingredient, a product thus sold under its distinctive name cannot be deemed misbranded upon any ground. I have concluded, however, that giving a fair and reasonable construction to the somewhat conflicting provisions of the Act, it was only intended to protect an article sold under its distinctive name from the charge of misbranding in so far as any statement or suggestion contained in the name itself is concerned, and that it was not intended to prevent the condemnation of the article as misbranded even though sold under its own distinctive name if in addition to such distinctive name the

label contains other misleading statements, designs or devices. Without expressing any opinion as to whether the pictorial design on the label in question is misleading in any particular as to the presence of coca leaves or any ingredient or quality derived therefrom, I am of the opinion that under the evidence in the case this is not purely a question of law, but is a question of fact which, under all the evidence should be submitted to the jury for its determination. Therefore in so far as the charge of misbranding based upon the pictorial design of coca leaves upon the label is concerned, the claimant's motion for peremptory instructions will be overruled.

To the extent hereinabove stated the claimant's motion for peremptory instructions is accordingly sustained; otherwise it is overruled.

Thereupon counsel for libellant stated to the court that it was desired by the Government to test, as speedily as possible, the question as to whether the Coca Cola which it seeks to condemn is adulterated in that it contains "an added ingredient, caffein," which is alleged to be a poisonous and deleterious ingredient that may render such food product injurious to health, and to facilitate an appeal, and therefore moved the court to dismiss, without prejudice, as to the matters involved in paragraphs numbered 4 and 5 of the above opinion, which motion was allowed. The court then proceeded to instruct the jury as follows:

THE COURT: Gentlemen of the jury, in pursuance of my action on the claimant's motion for peremptory instructions, and in consequence of the dismissal by the Government in open Court and in your presence of the two questions of disputed facts in the case, which I think ought to be submitted to you for your consideration, and in consequence of the fact that upon the other questions in the case upon the undisputed evidence in my opinion the Government is not entitled to a verdict at your hands, and in consequence of my action in sustaining the motion for a peremptory instruction as to such other grounds, I now direct you to return a verdict in favor of the Claimant, the Coca-Cola Company. You may return that without leaving your seats.

Upon rendition of verdict in favor of claimant, libellant filed a petition and motion for new trial, which was overruled, whereupon notice was given of both appeal from said judgment and writ of error, to the Circuit Court of Appeals for the Sixth Circuit.

At the trial, libellant and claimant, respectively, introduced the following witnesses, who testified in substance as follows:

W. J. DOBBS, a witness for the libellant, testified:

I reside in Chattanooga, Tenn., and am engaged in the wholesale grocery business. In September and October, 1909, I was a member of the firm of Trigg, Dobbs & Co. We received shipments of Coca Cola syrup in kegs and

bottles from the Coca Cola Co., Atlanta, Ga., and distributed it to retail dealers in Chattanooga, Tenn. In response to an order given by Trigg, Dobbs & Co., said company on Oct. 21 or Oct. 26, 1909, received at Chattanooga, Tenn., from the Coca Cola Company, Atlanta, Ga., 20 barrels and 20 kegs of Coca Cola syrup. This lot of Coca Cola was shipped in a car to the Coca Cola Bottling Works of Chattanooga, and was delivered to our trade by them, so that we got part of the car and they got part of it. The 20 barrels and 20 kegs of the product received by us were in original unbroken packages, and the consignment was involved and shipped to us by the Coca Cola Co., Atlanta, Ga. An United States inspector came to our place of business on the 21st or 22nd of October, 1909, and procured samples of Coca Cola from this particular shipment. He put the samples in gallon jugs and carried them away with him. This lot of Coca Cola was shipped to us for sale.

J. L. Lynch, a witness for the libellant, testified:

I am a Food and Drug Inspector of the United States Department of Agriculture. I visited the factory of the Coca Cola Co. in Atlanta, Ga., on July 19, 1909, and went through the building from bottom to top. The factory building consists of a basement and two stories. It is a triangular-shaped building, surrounded by Edgewood Avenue and Coca Cola Place, and has a yard in the rear. I was conducted through the factory by Mr. Howard Candler, who was acting in the capacity of manager of the factory. Mr. Candler showed me the arrangements for making Coca Cola. I commenced my inspection on the first floor, which is a few feet higher than the street. The Coca Cola syrup was being manufactured on this floor in a large metal kettle. The ingredients which go into the syrup are sugar, coloring, and water. The water is carried into the kettle through pipes connected with the city water mains. Flush with this kettle was a wooden platform, and several barrels of sugar were stored on that platform. There was a colored man engaged in making the syrup, Mr. Candler called him the cook. The sugar was put in the kettle by knocking the heads out of the barrels and dumping their contents over the platform. The caramel for coloring was kept in a barrel by the side of the kettle, and was put into the syrup by pouring into a metal measure and dumped into the kettle. The syrup is cooked by steam, applied by means of a steam jacket. The negro cook engaged in dumping the ingredients into the kettle was scantly attired in a dirty undershirt, old dirty trousers, and broken shoes. His bare feet were protruding through his shoes in places, and he was perspiring freely. He was chewing tobacco, and spitting from time to time, the expectorate falling on the floor and on the platform from which he was dumping the sugar. In dumping the sugar a considerable amount of it fell on the platform, this the cook pushed into the kettle with his feet and with a board. The platform looked as if it had never been washed; the sugar had been ground into it by walking on it. The kettle appeared as if it had not been thoroughly washed or scraped for some time; there was crystallized sugar or syrup all over the edges and in the joinings, the outlet, and along the different pipes about it.

There was a water-closet on this floor, of the ordinary flush-ball type, opening into the room in which the syrup was made. The door swung into this room and the closet ventilated into it.

The cooling tanks and cooperage room were in the basement. The syrup made in the kettle I have just described was conveyed to the tanks in the basement by means of pipes. There were ten cooling tanks suspended from the basement ceiling, some of them near the windows which opened on Edgewood Avenue and on Coca Cola Place. The windows were opened during the cooling process. The top of the basement consisted of only the floor of the first

story and stringers; there was no ceiling or plastering. There was nothing to prevent dust or dirt seeping through the floor or falling from it, dropping into the cooling kettles. Cobwebs and spiderwebs were suspended very generally around the cooling tanks in the basement. There was a mixing tank in the basement, and the essential oils used in Coca Cola, what is known as Merchandise No. 5, and phosphoric acid, lime juice, etc., were conveyed to the mixing tank from a laboratory on the first floor by means of funnel-shaped arrangements. The caffeine was in two different cans or containers; one was a large tin can, holding about 50 pounds. The caffeine was put into the syrup after being mixed with or dissolved in water. Commercial alcohol is also put in with these different oils or flavors enough to cut the flavor. That goes through the funnel into the mixing tank. There were 25 pounds of caffeine to 1,200 gallons of syrup. There was a toilet in the basement of the same type as the one above, and it ventilated into the basement. The concrete floor of the basement was very dirty and littered up, and had evidently never been scrubbed. The floor was badly worn and had holes in it and water would remain in these holes and not drain off. The help in the factory consisted of three whites and eight negroes. The negroes used tobacco and spit it over the floor. They were dressed in trousers and undershirt and were perspiring. The stairs leading down from the first floor into the basement were covered with several inches of dirt, so that I was afraid of slipping down there. They had never been washed, cleaned, or scrubbed. I went to the factory in Atlanta and saw Coca Cola syrup, which was afterwards seized by the Government, loaded into a car, and took samples of the product after it had been shipped to Chattanooga. I sealed the samples and forwarded them by express to the Bureau of Chemistry, Washington, D. C. I did not see the caffeine or other ingredients put into the syrup while inspecting the factory, except the sugar and caramel.

The finished product is the color of caramel, a brownish red. After the color is added to the syrup one can not easily detect foreign substances in the mixture, such as grass or straw, or any foreign article. The finished product is stored and shipped in old whiskey barrels.

H. C. Fuller, called by the libellant, testified as follows:

I am a chemist, a graduate of the Worcester Polytechnic Institute, Worcester, Mass., and have had ten years' practical experience as a chemist after leaving that institution. I have been connected with the Bureau of Chemistry in Washington for the past four years. Prior to that time and after leaving the Worcester Polytechnic Institute I was connected with the Mallinkrodt Chemical Works, New York City, and Parke, Davis & Co., of Detroit, Mich. I am now and was at the time of making an analysis of a sample of the Coca Cola syrup seized by the Government in October, 1909, an assistant chemist in the Bureau of Chemistry, U. S. Department of Agriculture. I received the samples in this case—I. S. Nos. 3966–B, 3967–B, and 3968–B—from Inspector Lynch with the seals intact. I analyzed said samples and found them to contain caffeine in the following proportions: No. 3966–B, 0.92 grains per ounce; No. 3967–B, 1.02 grains per ounce; and No. 3968–B, 1.19 grains per ounce. I also received from the same source a keg of Coca Cola syrup marked I. S. No. 3980, which keg I placed on end and allowed to stand untouched for three months. Then I bored a hole in the side of the keg about four inches from the bottom and allowed the syrup to run off down to a level with the hole. I then knocked the top out of the keg and filtered what was left there through a piece of filter paper, then washed the filter paper with water. I found in the filter paper some undissolved material, a little straw and material of a similar nature which looked like hay, a part of a bumblebee, some legs of insects, and

other extraneous matter, which was apparently dust or dirt. This Coca Cola syrup is a very thick mixture, and being of such a nature it would tend to hold up the lighter dust and particles, which probably never would settle I found on analysis that the mixture called Coca Cola syrup consisted of the following ingredients: Caffeine, phosphoric acid, sugar, water, glycerine, caramel coloring, lime juice, essential oils, and a trace of alcohol. I was assisted in making my experiments by Dr. W. O. Emery. I analyzed a sample of a substance used as "Merchandise No. 5," which is used in making Coca Cola syrup, and found it to be a liquid preparation containing 16.1 per cent of alcohol and 4.12 per cent of nonvolatile material. It had the odor of toluol, a coal-tar product, and contained a little more than 1 per cent caffeine. I prepared mixtures of water, caffeine, and merchandise No. 5, also mixtures of water and caffeine, and delivered them, together with some genuine unaltered "Merchandise No. 5," to Dr. F. P. Morgan for him to experiment with. I used in these mixtures 1 grain of caffeine to the ounce. The words "Coca" and "Cola" mean, respectively, coca leaves and cola nuts, and are so understood by the drug trade. The pictorial design on the barrel containing the Coca Cola resembles coca leaves and cola nuts. I could not find any coca or cola products in the samples of Coca Cola analyzed by me.

W. O. Emery, called by the libellant, testified as follows:

I reside in Washington, D. C.; am a chemist by profession; a graduate of the Worcester Polytechnic, and have also been a student and instructor at Bonn University, in Germany; I have spent five years subsequently in Germany at different periods for research, and was professor of chemistry at Wabash College about six years; I have been nearly four years in the Bureau of Chemistry, Washington, D. C.

I analyzed three samples of coca cola syrup taken from the consignment in controversy, and found them to contain caffeine. The percentages of caffeine were about sixteen, nineteen, and twenty-two hundredths per cent for samples I. S. Nos. 3966, 3967, and 3968. I account for the fact that I found more caffeine than Mr. Fuller by the facts that I used a different method, and probably exhausted or extracted longer.

Henry H. Rusby, called by the libellant, testified as follows:

I reside in Newark, N. J., and am professor of materia medica at the New York College of Pharmacy. I was educated professionally at the College of Physicians and Surgeons of New York and the medical department of New York University. I lectured for a number of years in the medical colleges of New York, and at the Bellevue Medical Hospital of New York on materia medica. I have been engaged in such work since 1889. I have been employed by the United States Department of Agriculture for the past four years, and in connection with such employment examine all the crude plant drugs that come to the port of New York. I have been a writer for the United States Pharmacopœia since 1890. As a lecturer it has been my duty to lecture on the subject of drugs, their names and synonyms, their origin, history, properties, and uses as drugs. I spent nearly a year in countries where coca is grown and among the people who use it, for the express purpose of studying that plant, and have written a pamphlet entitled "Coca at home and abroad." I have made analyses of the leaves of the shrub, the bark of the root and stem, the wood, and the flowers. Cocaine is the chief active principle of coca, and it is to get the effect of the cocaine that the natives of the countries in which it is grown chew it. It is known by the name "coca" in the countries where

grown, and that name has been introduced into our language to designate the leaf of the Erythroxylon coca. It is never known by any other name.

The term coca means coca leaves; the terms are synonymous, but the article is generally known to the trade by the name coca. The pictorial design on the Coca Cola keg represents coca leaves and the part of the cola plant improperly called cola nut. The terms cola and cola nut are used synonymously, but cola nut is improper, as the article is not a nut in any sense of the word. The pictorial design on the Coca Cola keg represents substances that are properly and generally known as coca and cola. The product called coca would not be coca if the cocaine were abstracted. Taking into consideration the results of the administration of caffeine it is my opinion that it is apt to be deleterious to human health. I can not say it is in every case, because it depends on how much is taken and on the peculiarity of the individual. Very often it has bad effects. If amounts varying from nine-tenths of a grain to one grain and a quarter of caffeine per ounce composing a mixture such as that described by Mr. Fuller to be the product known as Coca Cola were taken into the system in repeated doses it might be injurious to health. If used by young people or children it would be bad, no matter how little were taken; it should not be allowed at all. Guarana is a caffeine containing plant. It contains not less than $3\frac{1}{2}\%$ caffeine, and is used by the natives of the countries in which it grows just as we use tea and coffee. I have lived among such people, and have noted that the excessive use of guarana causes paralysis or shaking palsy.

E. A. Ruddiman, called by the libellant, testified as follows:

I reside in Nashville, Tenn., and my chief occupation is professor of pharmacy at Vanderbilt University. I have been connected with the Vanderbilt University a little over 20 years, holding the chair of pharmacy and materia medica in the department of pharmacy, and part of the time lecturing on pharmacy in the medical department. I am a chemist and have been chemist for the Board of Pharmacy of the State of Tennessee since about 1897. For the past three or four years I have been employed as a chemist in the Bureau of Chemistry, U. S. Department of Agriculture.

Coca is the leaf of a plant generally bought, sold, and referred to by the name "Coca." It is not bought or sold under any other name. "Kola" is the term in general used to designate the kola nut, or more properly the seed. The chief active principal of coca is cocaine, and the chief active principal of kola is caffeine.

F. P. Morgan, called by the libellant, testified as follows:

I am a physician by profession in the employ of the Department of Agriculture at Washington. I graduated from the College of Physicians and Surgeons of New York in 1893. I practiced medicine in Washington, D. C., until October 15, 1907, when I entered the Department of Agriculture.

I conducted experiments with rabbits during the year 1908, feeding them Coca Cola, Merchandise No. 5, and Merchandise No. 5 plus 1 grain of caffeine daily, carefully noting the effect of said substances. I also made similar experiments in 1910 and 1911. I used three rabbits for the experiments in 1908 with Merchandise No. 5, with one grain of caffeine added, continuing the experiment for 114 days on one rabbit. One rabbit died after 19 days, another after 60 days, and the third was killed after 114 days, making an average of 64.3 days that the rabbits lived. The weight of the rabbits was taken at the outset of the experiments, and it was noticed that they decreased in bodily weight under the treatment, although they received the usual amount of food,

air, and sunshine. Autopsies were performed on the dead rabbits and all three showed inflammation or congestion of the stomach or intestines, or both. That is to say, the alimentary tracts showed lesions in case of all three rabbits. I also conducted experiments on two rabbits during the year 1908, feeding them Coca Cola syrup. The weight of the rabbits declined, on the average, 19.7%. One of the rabbits lived and the other died. They had been fed daily ⅔ of an ounce of Coca Cola syrup mixed with one-third ounce of water. An autopsy was held which revealed signs of thickening and chronic inflammation in the stomach of one, and sub-acute inflammation in the other. I fed four other rabbits with Coca Cola syrup in 1908, giving them an ounce of the syrup with ⅓ of an ounce of water daily. The loss of bodily weight was, on the average 21.4%. One lived 8 days, one 18 days, one 38 days, and the other 75 days. My next experiment was in 1910; I used three sets of rabbits. To one set I fed ⅓ of an ounce of Coca Cola syrup and one ounce of water daily; to the second set I fed ⅔ of an ounce of Coca Cola syrup and one ounce of water daily; and to the third set I fed one ounce of Coca Cola syrup and one ounce of water daily. All my feedings of rabbits were in addition to their regular food. There was, generally speaking, a decrease in bodily weight. Of the first set four died, after living 33, 49, 97, and 61 days, respectively. Autopsies were held on all these rabbits, and five of them showed inflammation or congestion of the stomach or intestines, or both. The next set of experiments I commenced early in January, 1911, using seven rabbits. They were given ⅔ of an ounce of Coca Cola syrup with ⅓ of an ounce of water daily. Two of the rabbits died, and the remaining 5 were killed March 6, 1911. The average loss of bodily weight was 22.28%.

In the next set of experiments 3 rabbits were used. They were given each day ⅔ of an ounce of 1% solution of caffeine in water with ⅓ of an ounce of water. One rabbit lived 29 days, one 41 days, and the other 59 days after the experiment was begun. The loss of bodily weight in these rabbits was, on an average, 26.2%. Autopsies were conducted in the Bureau of Animal Industry in all cases. Animal experimentation is generally resorted to for the purpose of determining the effect of drugs on the human system, and in many cases it is the only way in which such effect can be determined. There are a number of instances in which death has been caused by caffeine. Zenetz reports 3 cases of death by caffeine. Leill has reported one case of caffeine poisoning; it is reported in Butler's Pharmacology. Muccioli's Toxicology, an Italian work, holds that caffeine is fatal to man, and gives the lethal dose as two to three grams. Our experiments have shown the lethal dose for rabbits to be about 2½ grams per pound of weight. Gautherin, in the Paris Thesis, 1905, reports two cases of death by caffeine. M. P. Lemaire reports one case of death by caffeine in the Journal of Medicine of Bordeaux, Vol. 39, page 294, May 9, 1909.

L. F. Kebler, called by the libellant, testified as follows:

I am a chemist and physician by profession. I was educated at the University of Michigan, graduating from the literary department and school of pharmacy in that school. I took special courses in the Jefferson Medical College, at Philadelphia, Pa., and am a graduate from the School of Medicine, George Washington University, Washington, D. C. I taught chemistry at the University of Michigan. I am a registered practitioner of medicine in the District of Columbia, and for the past four years have been Chief of the Drug Division, U. S. Department of Agriculture.

I am familiar with the substance known as "cola." It is a crude drug of peculiar form, brownish in color, and is sometimes called cola nut. I am also acquainted with the substance known as "coca." It is a crude drug, a leaf

obtained chiefly from South America, but sometimes from the island of Java. Cocaine is the active principle of coca, and it is largely for the manufacture of cocaine that coca is imported into this country. It is also used for the manufacture of fluid extract of coca. I have traveled extensively over the United States and have observed that Coca Cola is sold indiscriminately to all comers at soda fountains, without distinction as to youth or old age, nervous or robust persons. I have seen children from four years up drinking Coca Cola at fountains. I visited the plant of the Coca Cola Co. at Atlanta, Ga., and observed the method of manufacturing Coca Cola. There was a steam-jacketed, copper kettle on the south side of the building, and between the kettle and the wall there was a platform. The top of the kettle was either level with or just below the surface of this platform, and the platform was used chiefly for the purpose of dumping sugar into the kettle. The mixture made in this kettle consisted of syrup, made from sugar and water, to which was added caramel or burnt sugar. This mixture was heated to the boiling point, then run off into a cooler, and from the cooler into vats strung just below the floor on which the operations were conducted. I observed caffeine there in tin cans, solid caffeine in the crystalline form in which it usually comes on the market. The basement of the factory where the vats were suspended was festooned with spider webs and flies in the webs, some of them overhanging the vats. The negro help in the plant was poorly clad, having on virtually nothing but undershirts, trousers, and shoes. They were perspiring freely. The steps leading from the basement to the main floor were very filthy and covered with sugar residue and dirt that accumulated in the factory several inches thick in places. On my second visit to the factory I noticed a drum of caffeine of slightly different appearance from the caffeine ordinarily met with in commerce. It was more compact, but not as white as the ordinary article. To the best of my recollection one of these drums would hold approximately 200 pounds, but the drum was not full.

I visited the plant of the Coca Cola Co. at Atlanta, Ga., on October 20, 1909, in company with Inspector J. L. Lynch. This was just before the seizure in this case was made. On this visit I took a sample of caffeine from one of the drums. On my three visits to the Coca Cola plant I noticed the help there, including the negroes, were chewing tobacco. I saw no cuspidors, but noticed the help spitting on the floor or the platform or any place they happened to be. The closets were ventilated into the building. The help were perspiring, and as they wiped the perspiration from their foreheads it fell on the floor or into whatever operation they were engaged. I saw the exhibit to Mr. Fuller's testimony—the substances remaining in the filtering paper after filtering the keg of Coca Cola seized in this case—and am of the opinion that the presence of such substances show the Coca Cola containing them to be an inferior and damaged product; also it is unwholesome, as it contains foreign and decomposed animal matter. The coloring matter added to the Coca Cola has a tendency to obscure from view the foreign substances in the syrup. Caffeine has a diuretic effect upon the kidneys and increases the force of the heart's action, but the chief effect is upon the brain, causing wakefulness, increased activity, etc. I have consumed Coca Cola, and find that if I take it late in the afternoon or in the evening it prevents sleep. I account for this effect by the action of the caffeine contained in the Coca Cola. I have watched for hours at soda fountains where Coca Cola is sold and have frequently heard it called for by the names "dope" and "coke." The amount of the syrup used in making a glass (eight ounces) of the beverage is from one to two and one-half ounces, an average of one and one-half ounces. Caffeine is a drug having a poisonous tendency. Numerous writers on toxicology, therapeutics, and pharmacology were cited to corroborate this view and to show that caffeine is recognized as a

poison. Witness defined a poison to be "any chemical which when introduced into the body or generated within the body produces death or disease or permanently or temporarily impairs an organ that is healthy or apparently healthy."

JOHN WITHERSPOON, called by the libellant, testified as follows:

I am a physician and surgeon by profession, a graduate of the medical department of the University of Pennsylvania, at Philadelphia, Pa. I am professor of practice of medicine in Vanderbilt University, at Nashville, Tenn., and have held that chair since 1895. I am president of the Medical Association of the State of Tennessee, and am on the council for medical education in the American Medical Association. I have been engaged in the practice of medicine for 24 years. I reside in Nashville, Tenn. I am acquainted with the substance known as caffeine, and have prescribed it medicinally. It is a heart stimulant. I think that one glass of Coca Cola, containing the amount of caffeine it is shown by Mr. Fuller's analysis to contain, would have very little effect more than as a mild stimulant, but it is the continued use that has the serious effect. It would affect the nervous system, making the user very nervous by its action upon the brain and spinal cord, overstimulating the reflexes; stimulating directly the centers. My experience with Coca Cola shows that continued users of it are seriously impaired in digestion. Young people soon form the habit of taking Coca Cola and take sometimes 8, 10, 15, or 20 drinks a day. Some become extremely nervous, weak, and the heart becomes rapid and irregular. They really look like morphine habitués, so far as their efforts to control it are concerned.

I have treated probably 30 or 40 patients afflicted with the Coca Cola habit during the last 4 or 5 years. I have had three cases in the hospital that I have treated to break off the habit. As they gave up the habit their health improved. I have thought that the habitual use of Coca Cola impaired their digestion. I regard Coca Cola as habit forming; one glass creates a demand for another because it stimulates the user and makes him feel better; then, when its effect wears off, the reaction is one of depression, and he gets very nervous and seemingly can not do without it very well.

T. J. SEARCY, called by the libellant, testified as follows:

I reside at Tuscaloosa, Ala., am a physician by profession, and graduated from the medical department of the University of the City of New York in 1867. I engaged in the active practice of medicine until 1892, when I was appointed superintendent of the Alabama Insane Hospital. As superintendent of the State Hospital for the Insane it is part of my business to inquire into the history of the inmates and note the causes of their disorders. The number of inmates is rapidly increasing. During the census reports of the census closed in 1910, the State population increased only about 16 per cent, while the admissions to the insane asylums of the State increased about 45 per cent during the same period. The admissions of drug and drink habitués have increased during that period. In my opinion caffeine is, in a sense, a habit-forming drug. It acts upon the nervous system and renders a man so he feels, or is able to feel, more comfortable. When he does not have it he feels worse, and he knows he can get some more and relieve it, making him feel better. The habit consists in the fact that the user knows he can take more to relieve him.

Dr. L. F. KEBLER, recalled to the witness stand, testified as follows:

I consider caffeine a habit-forming drug. Based on Mr. Fuller's statement as to composition, given on the witness stand, I know of no other habit-forming

ingredient or substance in Coca Cola except caffeine. From my own analyses of Coca Cola, sugar, water, caramel, caffeine, and flavoring agents are the only ingredients I have detected. I base my opinion that caffeine is habit forming on my own general observations of people in the habit of taking caffeine. It has been my experience that the use of caffeine containing substances induces habit. Habit forming, as I construe it, is a condition that is brought about in the system by the use of a chemical which, after continuing it a period of time, will leave such an impression upon the individual that when the chemical is withdrawn the system feels the need of it.

Louis Le Roy, called by the libellant, testified as follows:

I reside in Memphis, Tenn., am a physician by profession; a graduate from the Medical Chirurgical College in Philadelphia, Pa.; and have been practicing medicine since 1896. I am vice president of the State Board of Health of Tennessee, and at present hold the chair of practice in the University of Memphis. I was State bacteriologist of Tennessee for 8 or 10 years. I have had experience with Coca Cola and have consumed some of it myself. My first experience with it was 10 or 15 years ago. It was summer time and I drank half a dozen or so bottles of Coca Cola a day, but soon I found that I would have to leave it alone, because I got so nervous that my hand trembled and I could not do fine work. I attributed the nervousness to the Coca Cola I was drinking. When I quit using Coca Cola I straightened out in a day or two. I have had occasion to treat patients who were users of Coca Cola and found, as a rule, they were nervous and irascible. When they gave up Coca Cola their nervous condition generally improved. I can not take Coca Cola at night; it keeps me awake. I took a bottle of it a year or two ago when I was convalescing from typhoid fever and it kept me awake 48 hours or more. Coca Cola has a tendency to be habit-forming, its habit-forming propensities being most marked in neurotic, nervous, patients, and nervous women, who are not nearly so capable of resisting the habit or ravages of the habit-forming drugs as persons who are robust. The effect upon the human system of taking caffeine is that it enables the body to utilize more energy than it would otherwise utilize. A man can put forth more effort and sustain it a little longer under the action of caffeine than he could without it, but that excessive work is at the expense of his reserve energy. I have studied bacteriology and have been city bacteriologist in Nashville, Tenn. It is my opinion that a substance prepared under the conditions surrounding the preparation of Coca Cola (as described by Mr. Lynch and Doctor Kebler) would be practically certain to contain some germs. If a bee and other forms of animal life were found in the mixture, such as has been described, I think it would render the product inferior in character.

George R. Stewart, called by the libellant, testified as follows:

I reside in Cleveland, Tenn., and have lived there about 25 years. I am engaged in the ministry and on the lecture platform; and have been so engaged for 34 years. I have traveled extensively, practically covering the United States once a year. I lecture in the evening usually, and after my lecture, usually about 10 or 10.30 p. m., I go to a drug store for a lemonade. I have observed in the drug stores a very abundant sale of Coca Cola at the hours stated. I have frequently observed children ordering and drinking Coca Cola.

Counsel for libellant read the deposition of HUGO DUBOIS, who testified as follows:

I am a resident of New York City and secretary of the Roessler & Hasslacher Chemical Co., which company acts as selling agents for the Schaefer Alkaloid Works. As such agents the Roessler & Hasslacher Chemical Co. has contracts with the Coca Cola Co. to furnish them with merchandise No. 5 and caffeine.

Counsel for the libellant then read the deposition of EDWIN H. CORRY, who testified as follows:

I am a resident of Philadelphia, Pa., and am 37 years of age. I have been accustomed to drinking Coca Cola. I first began to use it in 1896 or 1897. I drank it occasionally up to 1904, at which time I commenced to use it daily in increasing amounts up to July, 1910, when I ceased to use it. It had a refreshing effect, somewhat stimulating or invigorating, and when I felt tired and fagged a glass or two of Coca Cola would revive me. As the habit increased I consumed about a dozen drinks a day. I finally became nervous, kept awake at night and experienced peculiar sensations. After I quit using Coca Cola my general condition improved, and has continued to improve.

As a result of my use of Coca Cola, or as a result of my impaired health, I was taken to the Philadelphia General Hospital, where I was examined and my condition inquired into by Dr. Theodore Weisenburg.

WILLIAM F. BOOS, called by the libellant, testified as follows:

I am a physician with a consulting practice in internal medicine, and am chemist and pharmacologist at the Massachusetts General Hospital in Boston. I took the degree of A. B. at Harvard University in 1894, and studied at the University of Heidelberg, in Germany, taking the degree of Ph. D. in chemistry there. After my return to America I was for one year assistant in the department of chemistry at Harvard University. The next year I entered the Harvard Medical School, and in 1901 took the degree of M. D. in that school. Right after graduation I went to Germany and studied pharmacology for two years at the University of Strassburg. The next two years I was assistant to the head of the institution, Professor Schmiedeberg, at the University of Strassburg. I was called back to Massachusetts to undertake research for the Massachusetts State Board of Health on the question of the cold storage of poultry in 1906. I have had occasion to experiment with Coca Cola syrup as to its effect on animal life, using frogs for the purpose of experimentation. The effect of caffeine on human beings is very similar to its effect upon frogs. There is a slowing of the heart, a more pronounced systolic action. The caffeine also acts on the spinal cord of the human being, producing an increased irritability, an increased reflex irritability, so that little insults, as we call them, occurring ordinarily, become magnified. It also has an effect upon the centers of the brain, stimulating those centers to increased activity, the effect of which is deleterious to health, as the stimulation is carried out at the expense of the organism. The effect of caffeine on the consumer is at times to produce sugar in the urine or the viscera, which is decidedly deleterious to the organs. It also taxes or increases the tax that is made on the system to eliminate that poison from the system. It is decidedly deleterious, and weakens the resistance of the organs toward disease. The effects are worse upon very nervous people, and as for children, they should never be given drugs of any kind. The administration of Coca Cola syrup, containing the constituents stated by Mr. Fuller on the witness stand, would be harmful and deleterious to human health.

Caffeine is a drug which is frequently used as a stimulant in heart diseases. It has a stimulating effect upon the brain, and enables one to do increased mental work, but the work is done at the expense of the reserve energy of the individual, and is detrimental to health. A substance such as Coca Cola taken 1 oz. in 6 to 8 ounces of carbonated water during all hours of the day would have a great tendency to disturb the digestive functions injuriously. Caffeine is not a food in any sense.

J. H. Musser, called by the libellant, testified as follows:

I reside in Philadelphia, Pa., and am a physician by profession. I am a graduate of the University of Pennsylvania and have been practicing medicine since 1877. I have been professor in the University of Pennsylvania for 12 years, and am at present professor of clinical medicine in that institution. I am connected with a number of hospitals in Philadelphia, including the hospital of the University of Pennsylvania and the Presbyterian Hospital. I am author of a number of works on medicine and therapeutics. I have had occasion to observe the effects of caffeine upon the human system, and have prescribed it in my practice as a stimulant to the renal functions. It is prescribed in order to increase the activity of the kidneys—to increase the amount of urine. It also acts as a stimulant to the brain and nerves. It affects the nervous system by causing an excitement resulting in headache, perhaps tremulousness, irritability of the nervous system and heart, and possibly causing palpitation. It acts locally on the stomach, causing irritation, bringing about increased secretion, causing excess of acid, and in other ways impairing the digestion.

I have seen a copy of Mr. Fuller's analysis of Coca Cola and consider that the frequent administration of such a substance to a human being in the amounts in which it is ordinarily used would seriously affect the health of the person taking it. The effect would be most serious on persons in poor health, those of unstable nervous system, children, or young people. I consider caffeine a habit-forming drug. This opinion is based upon the fact that once taken, or taken for a period of time, there is a desire or craving of the system to repeat the dose. Caffeine is not a food, because it does not build up the tissues, it does not give energy, and does not aid in the repair of the organism. I have been called on to treat persons afflicted with caffeine poisoning. When the caffeine was withdrawn from them their health improved. In my opinion the consumption of Coca Cola, assuming that it contains the ingredients shown by Mr. Fuller's analysis, would seriously affect the health of a normal individual, and, if continued, would produce various symptoms of chronic caffeine poisoning. In a person in depleted health or one suffering from nervous debility it would increase the irritability or excitability of the individual. Caffeine is an artificial stimulant, and the effect of artificial stimulation is harmful to human health.

O. T. Osborne, called by the libellant, testified as follows:

I am a physician and medical teacher by profession and have been connected with Yale Medical School since 1888 as clinical assistant, then as instructor in materia medica and pharmacology. Since 1892 I have been professor of materia medica and therapeutics and for the last five years professor of clinical medicine. I have been practicing medicine in addition to my teaching ever since graduation. I am acquainted with caffeine. It is a drug of poisonous tendencies. Its continued or repeated use in the quantities shown by Mr. Fuller's analysis to be contained in Coca Cola would be harmful to human health. Its harmful results would be much more marked in a nervous

person or a child than in a robust adult. The child's digestion would be impaired; his nervous excitability would be increased; his nutrition and growth would be impaired; his mentality interfered with; he might and often does become a neurasthenic. A simple dose of a mixture such as Coca Cola will produce deleterious effects in a child or nervous person. I have seen such effects, not with Coca Cola, but with caffeine administered in another form. I have had to treat a good many persons who were suffering with caffeine poisoning. I consider caffeine a poisonous and habit-forming drug.

S. S. Cohen, called by the libellant, testified as follows:

I reside in Philadelphia, Pa., and am a physician by profession. I have been practicing medicine since 1883, and am a graduate of the Jefferson Medical College. I am now professor of clinical medicine at the Jefferson Medical College, attending physician at the hospital connected with the college, physician to the Philadelphia General Hospital, consulting physician to the Jewish Hospital, physician to the Rush Hospital for Consumption, and consulting physician to the Pennsylvania Hospital for the Insane. I am acquainted with the substance known as caffeine. It is a drug and a poison. Considering the amount of caffeine found by Mr. Fuller to be present in Coca Cola, I should say the harmful effects of Coca Cola would be those of caffeine in general. Its harmful effects would be more noticeable on young people, nervous people, invalids, and very old or feeble people than upon adults in early and middle life and who are perfectly healthy. It would also have greater harmful effects upon people of sedentary habits than upon those who do much outdoor work.

The harmful effects of caffeine may be summed up in this way: It is an excitant leading to overaction. This overaction is followed by fatigue and possibly by exhaustion, which leaves a person in a condition of irritability and weakness; that is to say, his energy has been used up in a bad way; the machine has been driven too hard and too long, and is left in a wabbly condition, partially worn out, and liable to go off when it ought to be quiet. On a person accustomed to taking tea and coffee the use of Coca Cola in addition thereto would produce harmful results. I have observed cases of caffeine poisoning from tea, coffee, and guarana, but not from the alkaloid given in solution or swallowed as a powder. I consider caffeine a habit-forming drug.

M. V. Tyrode, called by the libellant, testified as follows:

I reside in Boston, Mass., and am a physician by profession. I have practiced 10 years as a physician, specializing on internal diseases. I have worked in pharmacology about 14 years, and was a teacher of pharmacology about 10 years. I am a graduate of the Harvard Medical College, at Boston, and taught pharmacology, materia medica, and therapeutics at that school. I am acquainted with the properties of the substance known as caffeine and its effect upon the human system. It acts first as a stimulant, then as a depressant on the central nervous system.

The ultimate results of the use of caffeine by human beings are deleterious to health, as the stimulation and giving off of reserve energy lead to exhaustion and fatigue. Caffeine is a muscle and nerve poison. Its effects are more marked in extreme of age—that is, in children and old people—than in middle-aged adults; more marked in females than in males; more marked in people who are neurasthenic, of nervous tendencies, or inherently nervous than in those who are normal; and more marked in persons of sedentary habits than those who do much outdoor work. I have experimented with caffeine on myself, taking 7 grains one morning and a like amount one evening. The effect

was similar in both cases. It produced a good deal of excitement and a choking sensation or pressure palpitation, restlessness, and complete sleeplessness; also confusion of thought and considerable mental anguish. Such effects result deleteriously to human health.

ROBERT J. FORMAD, called by the libellant, testified as follows:

I am employed as pathologist in the Bureau of Animal Industry, U. S. Department of Agriculture, Washington, D. C. I graduated from the University of Pennsylvania in veterinary medicine in 1888 and as a doctor of medicine in 1894. After my graduation from the University of Pennsylvania I was appointed demonstrator of histology in the veterinary department, and was assistant in histology in the medical department of said university. During the summer of 1892 I went abroad and studied, in Berlin and Stuttgart, Germany, pathology and sanitary science, as applied to animals. During the fall of that year I was appointed demonstrator of pathological histology and morbid anatomy in the veterinary department of the University of Pennsylvania, which positions I held for about 7 years. I was appointed assistant in pathology, Bureau of Animal Industry, in 1906, and still hold that position. During the years 1910 and 1911 I received certain rabbits from the Bureau of Chemistry and made a pathological examination of them. The animals had tags in their ears numbered 36, 37, 38, 39, 40, 42, 44, 45, 46, 47, 48, 49, and 50. Previous to that, in 1908, Dr. Morgan brought over two rabbits, which I examined in his presence and dictated the results of the post-mortem to him. I reported the conditions correctly as I found them. I retained a copy of the results of the post-mortem examinations made of the rabbits sent to me in 1910 and 1911. When I received the rabbits and examined them I did not know that they had been fed on anything out of the ordinary. The course pursued with regard to the rabbits bearing the numbers mentioned was to examine them at once, within an hour of the time they were received; if received alive they were chloroformed and the examination made within fifteen minutes after death. All of the rabbits except Nos. 47, 48 and 49 were emaciated, varying from slight emaciation to marked emaciation, which was shown by their external appearance. Inside the body I noted that the lesions which characterized most of the animals, and which were varying in degree of intensity, ranged from a fulness of the blood vessels in the organs in which are the chief seat of elimination, or carrying off of the waste products, the kidneys and the liver. In these two organs I found a distention of blood vessels varying to a degree of congestion. In the stomachs and in some of the intestines I found distinct fulness of the blood vessels, varying to a congestion.

In some cases there was a little increase in thickening of the lining of the stomach—what is known as induration. In the kidneys of all except Nos. 47, 48, and 49 (Note: The excepted numbers had been fed on simple syrup, with out caffeine) there was marked irritation of the kidneys, varying from a fulness in the vessels to a congestion; and in the livers of all except Nos. 47, 48, and 49 there was a congestion, varying from slight to very marked. In some cases there were additional lesions, such as fatty conditions. I examined the brains and spinal cords of five of the rabbits and found the membrane coverings, the pia mater, showed a distinct fulness of the blood vessels. These vessels showed a marked distension under the microscope. The brains of rabbits numbered 47, 48, and 49 were practically normal, while the brains of the remaining rabbits were abnormal. I made no microscopical examination of the animals numbered 47, 48, and 49 because macroscopical examination showed that the lesions were not sufficiently pronounced to warrant it.

B. A. GALLAGHER, called by the libellant, testified as follows:

I am a veterinarian in the Bureau of Animal Industry, U. S. Department of Agriculture; I took a course in veterinary medicine at Cornell University, and graduated from that institution in 1901. I have been connected with the Bureau of Animal Industry since my graduation, with the exception of six months during which I served as assistant chief in animal industry in the Cuban Republic. In connection with my position in the Bureau of Animal Industry my work for about five years consisted in making post mortem examinations in the packing houses of the West. I have done pathological work and bacteriological work in the pathological laboratory at Washington. I made post-mortem examinations of six rabbits sent to the Bureau of Animal Industry from the Bureau of Chemistry; they had tags in their ears bearing the numbers 26, 27, 28, 29, 33, and 17. The animals were examined immediately upon their arrival, or within an hour afterward. I found congestion of the intestines of the rabbits examined. In some cases there was congestion of the stomach, liver, and kidneys, as well as the intestines. I did not know when I examined the rabbits on what they had been fed, and did not know what the Bureau of Chemistry was trying to determine.

WORTH HALE, called by the libellant, testified as follows:

I am a pharmacologist by profession, a graduate of the University of Michigan, where I took the degree of doctor of medicine in 1904 and the degree of A. B. in 1908. After graduating in medicine I had one year hospital work in Montana, and subsequently was connected with the University of Michigan for three years as assistant in pharmacology. I am now assistant in pharmacology in the U. S. Public Health and Marine-Hospital Service. I have had personal experience with caffeine, having on one occasion taken a dose of it and found that it caused confusion of thought and interfered with the process of coordination. I have made experiments on mice and guinea pigs, and more recently on frogs and a dog. Caffeine affects the muscles the same whether administered subcutaneously or by mouth. In my experimentation with frogs I used a solution of citrate of caffeine, one part to 50,000, which I injected into the lymph sacs. I have determined the minimum fatal dose of caffeine by experimenting on mice and guinea pigs, and am prepared to give an opinion as to the minimum fatal dose when administered to man, which would be the amount given in the Allard case, nine grains. As a rule lower forms of animal life are more resistant to caffeine than human life. I am of opinion that the use of a caffeine solution such as Coca Cola is described by Mr. Fuller would contribute to Bright's disease.

WILLIAM SALANT, called by the libellant, testified as follows:

I am a pharmacologist by profession. I graduated from Cornell University, Ithaca, N. Y., in 1894, with the degree of B. S. I then studied biology at Columbia University, New York City, for one year; then entered the medical department of Columbia University, and graduated with the degree of M. D. in 1899. For some time I had charge of the children's clinic at Mt. Sinai Hospital, New York City, and from 1901 to 1907 I held the position of Fellow of the Rockefeller Institute in New York City. During that time I taught physiology for one year in the Cornell Medical School, New York City, and from 1905 to 1907 I taught physiological chemistry at Columbia University. In 1907 I accepted a position as professor of physiological chemistry and pharmacology at the University of Alabama, and in 1908 I accepted a position as pharmacologist in the Bureau of Chemistry, U. S. Department of Agriculture,

which position I still hold. I have experimented with caffeine since January, 1909, continuing my experimentation up to about two or three weeks ago. I experimented on rabbits, guinea pigs, white mice, rats, pigeons, dogs, cats, and frogs, using no less than 600 animals. I made my experiments without any reference to the Coca Cola case whatsoever, the object was to get more accurate information on the drug caffeine. I find the fatal dose of caffeine when administered to a rabbit to be from 2¼ to 2⅜ grains for every pound of rabbit, introduced by the mouth. Repeated doses of caffeine administered to animals, three-fourths grain per pound of animal given daily, produced impairment of appetite and loss of flesh and strength. Then from the ninth to the sixteenth day of the experiment death ensued. Quite a number died after one or two days of the treatment. Caffeine appears to have a cumulative effect, and its use produces nervousness, nervous irritability, and muscular tremor. I noticed that the effect of the caffeine was much less in well animals than those in a weak run down condition. In some of the rabbits I found that one-third of the minimum fatal dose produced death. One rabbit was given one-third of the minimum fatal dose and he had violent convulsions. One hour later he recovered from the convulsions and we found him dead the next day. He had pneumonia. From my experimentation I have reached the conclusion that caffeine is not a food. I kept a large number of rabbits without food for four or five days, and at the end of that period gave them two-thirds the minimum fatal dose of caffeine. It produced death in two or three hours. I also made experiments with dogs to determine the food value of caffeine, and am positive that caffeine has no food value whatever. Man is more sensitive to the effects of caffeine than the lower animals.

Mr. H. C. Fuller, recalled by the libellant, testified as follows:

I have examined many specimens of coca and have always found cocaine, allied alkaloids, and chlorophyll. In my analyses of Coca Cola I did not find chlorophyll and cocaine. The caffeine I found in the Coca Cola was not there in the form of extract of cola nut. I detected volatile matter in merchandise No. 5 resembling toluol in odor. It was impossible to tell from what source the caffeine present was derived, whether from cola nut, coffee bean, tea, or guarana.

William Salant, recalled by the libellant, testified as follows:

In my experiments on rabbits with caffeine I found that it would be excreted in the urine of the animal as free caffeine—the alkaloid. I also found it in the bile. As it must enter the circulation before it enters the urine it circulates all through the body, and comes in contact with the brain. As to the matter of circulation the anatomy of the rabbit is practically the same as that of man.

W. O. Emery, recalled by the libellant, testified as follows:

I examined the bile on the animals referred to by Dr. Salant in his testimony and found caffeine present in its pure form. I also assisted him in experiments on beef livers, to determine whether caffeine is demethylated, neutralized, or destroyed by the liver ferments. In all cases the experiments showed that little or no caffeine was demethylated or destroyed, for the reason that most of the caffeine was recovered and identified as caffeine. We recovered 97 to 98 per cent of the caffeine used.

Albert P. Matthews, called by the libellant, testified as follows:

I am professor of physiological chemistry in the University of Chicago. I was educated in the Massachusetts Institute of Technology. I studied two

years at the Columbia University in New York, two years in Cambridge, England, some time in Germany, and several months in Naples, Italy. I then returned to this country and spent another year studying at Columbia University, and there received my degree as Doctor of Philosophy. I then became assistant in physiology at the Harvard Medical School, Boston, Mass., and instructor in physiology at Tufts Medical School, also in Boston. I was afterwards instructor in physiology at the Harvard Medical School. I am acquainted with the physiological action of caffeine when administered by the mouth or by injection. The difference in effect is only one of degree. It takes a larger dose to produce an observable effect when given by mouth than when put under the skin. If caffeine were given by the mouth and afterwards excreted in the urine it would have passed through the brain, because the caffeine goes from the stomach into the intestines, from whence it is absorbed in the blood, and by the blood it is distributed throughout the body. In this manner it is carried to the brain and brought into contact with the muscles, causing stiffening and hardening of the muscles. On the spinal cord caffeine produces an effect practically identical with strychnine, differing from it only in degree. It increases the sensitiveness of the spinal cord or the impulses coming into it, so that an animal which has taken caffeine will go into a spasm if it is stimulated or touched. Its action upon the heart is to increase the force of the heart beat, and has about the same effect as digitalis, belonging to the same group of drugs so far as that action is concerned. The action of caffeine when injected into the blood stream is the same as when taken through the stomach in its effect on the muscles. It has been recovered from the muscle and the brain after having been injected into the blood stream. I think it could be so recovered if given through the stomach. In my opinion, caffeine is a poison and is not a food. Its use is detrimental to human health.

J. W. McQuillen, called by the libellant, testified as follows:

I reside in Chattanooga, Tenn., and am a physician by profession. I have had 27 years' experience in the practice of medicine. I am a graduate of the University of Dublin, Trinity College, Ireland; subsequently I studied about 8 months in Paris and about two years in Germany and Austria. I have made a special study of nervous diseases. I have observed in several cases the effects of Coca Cola on patients. Where it was taken in excessive quantities it produced nervousness, loss of power of the retentive faculties, sleeplessness, gastro-intestinal disturbances, and irregularity of the heart. Caffeine is frequently prescribed as a drug in arhythmia, irregularity of the heart. As to the effects of the amount of caffeine contained in Coca Cola on human health I should say if a patient were in such condition that a dose of caffeine would be indicated in his case he might take Coca Cola, thereby prescribing caffeine for himself, and it might be of some benefit to him; but I think in most cases of nervous temperament it would be deleterious. I have had occasion to observe the sale and consumption of Coca Cola in Chattanooga during the year 1909 and noticed that it was served to children from 10 to 12 years old. Coca Cola makes me restless and nervous and prevents sleep if I take it in the evening. I am 53 years old and weigh 220 pounds. I consider it detrimental to health.

J. F. Shephard, called by the libellant, testified as follows:

I am 62 years old, a physician by profession, and have lived in Chattanooga for 25 years. I had occasion during the fall of the year 1909 to visit frequently places where Coca Cola was dispensed and noticed that it was sold to and consumed by all classes of people, men, women, and children, mostly young

women, many of them shopgirls. I drank Coca Cola regularly 12 or 14 years ago and found that it gave me an irritable heart and caused sleeplessness. I take it only occasionally now.

S. R. Barnes, called by the libellant, testified as follows:

I live in Chattanooga, Tenn., and am a manufacturing chemist and pharmacist. I have lived in Chattanooga since April, 1908; previous to that date I lived in Stevenson, Ala., and Bridgeport, Ala. While in Bridgeport I had a drug store connected with my manufacturing business, and sold Coca Cola. I have observed the people who drank Coca Cola and its effect upon them. In one case especially I noticed a nervousness and neurasthenic condition. One of the effects was a seeming desire to continue the drink. On account of what I observed as to the effects of Coca Cola I discontinued its sale in my store. I observed that a great many boys drank it. I have seen them drink it from the bottles, and have noticed that it was the incorrigible boys of the neighborhood who drank it.

Dr. W. F. Boos, recalled by the libellant, testified as follows:

Assuming that caffeine is administered by the mouth and is afterwards found in the urine of the person to whom it is administered, it follows that the caffeine is in part absorbed from the stomach and in part from the intestines into the blood. When it is absorbed into the blood it will circulate throughout the body and reach all the tissues reached by the circulation, including, of course, the brain, the organs of digestion, the muscles, skin, and, in fact, every organ of the body. Accepting as correct the statement of Dr. Matthews as to the effect of caffeine on the muscle, heart, brain, and spinal cord, the administration of caffeine would have a deleterious or harmful effect upon human health. A great many persons suffer from heart disease, many of them without knowing they are so affected. Caffeine administered to such persons in the amount shown by Mr. Fuller's analysis to be contained in Coca Cola syrup would prove deleterious to the health of such persons.

R. T. Wright, called by the libellant, testified as follows:

I live on Missionary Ridge, near Chattanooga, Tenn., and am an attorney at law. I am acquainted with the drink called Coca Cola. It is sold almost every where, in the city and out in the suburbs, in bottles and at the fountains and drug stores in the city. I have drunk as many as four or five drinks a day, but have quit using it. It stimulated me and caused nervousness and sleeplessness. I noticed its effect on my child, when he was 10 or 11 years old, was to keep him awake, and stopped him from drinking it.

W. J. Dobbs, recalled by the libellant, testified as follows:

The firm of Trigg, Dobbs & Co. purchased from the Coca Cola Co., of Atlanta, Ga., during the six months immediately preceding this seizure, for distribution to the soda fountains in the city of Chattanooga and vicinity, 7,276 gallons. We do not supply the bottling trade.

Charles A. Crampton, called by the libellant in rebuttal, testified as follows:

I reside in Washington, D. C.; am by profession a chemist. I have been engaged in that profession for 28 years. In 1902, while connected with the Federal Government, I analyzed samples of Coca Cola syrup and detected the presence of cocaine. It also contained 1.6% caffeine.

JOHN S. CANDLER, called by claimant, testified:

I reside in Atlanta, Georgia; am a lawyer. The Coca Cola Company, a corporation, was organized in 1891, and the charter was granted about 1892. The company has been engaged, since its organization, in the manufacture and sale of a soda fountain syrup known as Coca Cola. Asa Candler, my brother, is president of the company, and has been since its organization. The formula for Coca Cola syrup was acquired by the company from Asa G. Candler. Dr. John S. Pemberton was the first man who ever had anything to do with the preparation. He called it Coca Cola syrup extract. The company changed the name to Coca Cola and registered it in the Patent Office.

This company has never sold or advertised the product under any other name than Coca Cola. It contained no cocaine at any time, as far as I know. I have drunk Coca Cola for twenty-five years. Sometimes I take a glass a day, and have drunk as much as a half dozen in a day. I can not say it has ever hurt me. My health has been good. I have never experienced any inordinate craving for it or observed any tendency to form a habit.

CHARLES HOWARD CANDLER, a witness for claimant, testified:

I am vice president and general manager of the Coca Cola Company, and have had charge of the manufacture of Coca Cola in the Atlanta factory since 1903. I have been connected with the company for thirteen years in several capacities. During all this time the product has been manufactured, sold on the market, and advertised under the name of Coca Cola. I was in charge of manufacturing the syrup at the time Dr. Kebler and Inspector Lynch visited the factory and at the time the product was seized in this case.

The manufacturing is done on the street floor of the building. On this floor is a kettle, 4½ feet high, and there is a platform about half way around it. The platform was of sufficient size to accommodate about twenty-five barrels of sugar. It took approximately that much to manufacture a completed tank of Coca Cola. It takes four meltings of the kettle to make one batch of Coca Cola. The sugar, about five barrels, is dumped into the kettle from the platform. As the sugar is dumped the water is run into the kettle from a storage tank which has previously received filtered water out of the city main. A sufficient quantity of water is brought into it to keep the sugar from burning when it comes in contact with the sides of the kettle. After the sugar is melted, the coloring—that is, caramel or burnt sugar—is put in. The caffeine is put in at the third or fourth melting so that the caffeine may come in contact with hot syrup; or, in other words, to fulfill the operation it takes four meltings to make a tank, and we put the caffeine in either the second or third melting so as to insure it being in a hot medium all the time, and to keep the caffeine and syrup at an even temperature. The contents of the tank are controlled by a gate valve and pipe line coming down in the floor and sustained from the ceiling by means of a hanger, and we have copper-lined, wooden cooling vats suspended by means of a cradle which is made up of large 8 x 8 or 8 x 10 stringers and sustained by lines going right up to the ceiling, holding the tank up. The pipe drops down into the tank. The finished syrup is left in the tank until it is cooled off.

In one corner of the laboratory, which is in another part of the building, there is a funnel attached to the pipe line which leads directly into the mixing tank, and when we are ready to mix this syrup in the mixing tank various flavoring extracts—glycerine, merchandise No. 5, and lime juice—are conveyed to the tank through this pipe. The phosphoric acid is poured directly through the manhole in the top of the tank to avoid corrosion of the pipe. The tank

is wood in its entirety. In the bottom of the kettle pipe we have a copper mesh strainer to catch the larger particles of wood, nails, and trash such as is found in all sugar. In the bottom of the tank we have a trap strainer made of fine copper mesh wire, and the goods are strained through it so that if the first strainer fails to catch such substances they may be caught in this strainer. We get the goods out of the mixing tank by means of a draft arm, like one of the soda fountains and which ends in a similar pipe. The barrel is set directly under this pipe on a rack. Where the pipe goes out there is another strainer finer than either of the two previous strainers to catch anything that may have passed possibly through these two strainers. All the funnels we use for directly filling the barrels are equipped with cheese-cloth covers, so that when the syrup hits the cheese cloth it acts as a strainer and keeps out any dust or dirt that might have gotten through the copper strainer from getting into the barrels. As the syrup comes from the first floor down to the basement it is a mixture of sugar, water, caramel, and caffeine, and when it comes to the mixing tank the other ingredients are put in.

About eight men, three white and five colored, are employed in making the Coca Cola. The sugar is dumped into the kettle by a negro, who has been employed since 1906. He does not chew tobacco. All these employees wear clothes and shoes in the factory different from those worn by them on the street. There is a water-closet on the first floor which opens into the room.

At the time of the seizure, in October, 1909, the melting kettle was covered with a piece of galvanized sheet iron. Half of the kettle is covered all of the time, and the other half was only opened when the ingredients were being put into the kettle. If any sugar fell on the platform it was scraped up with a steel scoop, made and used only for that purpose, and put in the kettle. The factory was ventilated in accordance with the building ordinances of the city of Atlanta.

I never analyzed Merchandise No. 5; it is now manufactured for us by the Schaeffer Alkaloid Works. In July, 1908. I saw coca leaves and cola nuts assembled there in proper quantities, according to Dr. Schaeffer's rule, and saw them undergoing certain processes.

Merchandise No. 5 is put into Coca Cola syrup just as it comes to us from the factory of Dr. Schaeffer. The caffeine is also put into the syrup in the condition in which we receive it without any change. The company has never advertised or sold Coca Cola under the name of "Dope" or "Coke."

The débris collected out of the keg and offered in evidence by the Government consisted largely of sawdust, and must have come from the kegs. Before putting the mixture into the kegs we steam them over a jet with a boiler pressure of 80 pounds. The only way that I can account for the sawdust being in the keg is that in manufacturing kegs the coopers use a drum saw which, in a large measure, chews the wood more than it cuts it, leaving particles of sawdust and small quantities of wood adherent to the sides. I am unable to see how the leg of a fly or piece of bee's wing got into the product. The kegs are thoroughly washed before being filled..

We furnish our customers with directions as to the proportion in which the Coca Cola syrup should be mixed with water, as follows: "Draw one oz. of Coca Cola in seven oz. glass, then fill glass with large stream of soda water, stirring with a spoon, that Coca Cola may be thoroughly mixed." These proportions make the best drink. In bottled Coca Cola the proportion is one oz. of syrup to seven oz.'s of water, and in the drink served at the soda fountains one ounce of syrup to six ounces of water. We use 15 gallons of Merchandise No. 5 to 1,250 gallons of the fountain product. The bottled syrup has 25 lbs. of

caffeine to 1,250 gallons, and the fountain syrup has 28 lbs. of caffeine to the 1,250 gallons.

G. L. Mitchell, a witness for claimant, testified:

I live in Atlanta, Georgia; am manager of the manufacturing department of the Coca Cola Company, and was such in October, 1909. It is my duty to see that the premises are kept clean. The premises and the two floors are cleaned three or four times a week, or just as often as necessary. The storage or mixing tanks are hardly ever used a second time without being washed out, and the kettle or cooling tanks are cleaned periodically. It is also among my duties to see that the operatives are dressed properly and take the proper precautions to insure cleanliness. When they come in from the street and before going to work they put on overalls and shoes, which are worn only in the factory.

The negro does not chew tobacco. When he is working around the kettle he wears overalls and a jacket. I never saw him around the kettle with nothing but a shirt on.

James Gaston, a witness for claimant, testified:

I live in Atlanta, Georgia. I have been working for the Coca Cola Company twelve years. I cook the Coca Cola syrup and dump the sugar into the kettle. I have been cook for five years. I do not, nor did I ever, chew tobacco. In the factory I wear overalls and a jumper and heavy shoes with good bottoms and tops to them. I never wear these shoes outside the factory, nor have I ever worked around the kettle in undershirt without jacket, or with shoes on with my toes sticking out the front of them. It would be dangerous to wear such shoes because the stuff splashes out of the kettle and would scald my feet. If any of the sugar scattered on the platform, we took a shovel and shoveled it in. I never swept up anything off the floor and put it in the kettle.

Dr. John W. Mallet, a witness for claimant, testified:

I am a chemist and have been since 1855. I have been professor of chemistry in several institutions; have been doctor of chemistry; also engaged in investigations for commercial and other purposes practically through that whole period. I was educated at the University of Dublin and Göttingen; have been professor of chemistry in the State University of Alabama and Texas and the Medical College of Alabama at Mobile; the medical department of what is now Tulane University; the Jefferson Medical College of Philadelphia, and the greater part of the time at the University of Virginia. I have frequently been called upon to examine food products for commercial purposes.

I have analyzed three samples of Coca Cola syrup and found them to contain sugar, 52.51 to 52.64%; caffeine, 0.19 to 0.21%; phosphoric acid, 0.25 to 0.30%; citric acid, 0.03 to 0.04%; tannin and extractive matter, 3.42 to 4.25%; mineral matter other than phosphoric acid, 0.06 to 0.09%; alcohol, 0.53 to 0.60%; water, 36.34 to 42.95%, with minute amounts of essential oils. I have made analyses to determine the amount of caffeine that is present in an ordinary cup of coffee or tea and drinks of coca cola. I found 1.54 grains caffeine in 5 fluid ounces of black tea, 2.02 grains in 8 fluid ounces of green tea, 2.61 grains in 5 fluid ounces of a mixture of 3/5 coffee and 2/5 milk, 1.74 grains in one fluid ounce of black coffee; 1.21 grains in one fluid ounce of fountain Coca Cola syrup; and 1.12 grains of caffeine in one fluid ounce of Coca Cola syrup for bottlers.

I have seen Merchandise No. 5 manufactured at Maywood, N. J. The materials entering into its composition are three in number. The coca leaves, previously deprived of their cocaine with associated alkaloids, cola nut, and

wine—dilute alcohol in the form of wine. Roughly speaking, there were about three times as much of the coca leaves used as of the cola nuts.

Caffeine is a drug when used for medicinal purposes, but it is not always, under all circumstances, a drug. I have had personal experience with the use of caffeine-containing beverages and general observation of others who use it. The general result of my observation is that the use of caffeine or beverages containing caffeine in moderation is not only not harmful, but absolutely beneficial, sometimes very markedly so; and then, on the other hand, the excessive use of caffeine would undoubtedly give rise to disorder to a certain extent or disturbance to health. I am of the opinion that caffeine is not a "habit-forming" drug within the correct use of the expression.

Merchandise No. 5 does not have the odor of toluol, nor could such odor be detected in it.

While I hold the degree of doctor of medicine, I have not practiced and therefore would not qualify as a physician, but am sufficiently acquainted with medicine to be able to state that the moderate use of caffeine-containing beverages is beneficial to health, and to that extent I qualify as a doctor of medicine.

I have made analyses for one of the baking powder companies, but have not been in their employment continuously. I was asked by the president of a baking powder company to ascertain whether the use of alum in baking powder was wholesome or unwholesome, and agreed to make the investigation provided I was permitted to make a scientific investigation with freedom to publish the results no matter what they should be. The experiments were made, and I published the results in the London News as a matter of science. The results were adopted and, I believe, were used by the baking powder companies. I made no public statement of the results being used or of being paid by the baking powder company until the facts came out in connection with a congressional investigation, but I never misstated the relation which I sustained with the baking powder company.

Caffeine is a stimulant, but not a poison, using the word "poison" in the ordinary accepted scientific sense. The word does not admit of an exact definition, because even by scientific men it is used with a certain amount of variation, but I understand, as the general accepted meaning of the word among scientific men, it is any substance which when taken into the body in stated amounts, and usually in relatively small amounts, acting chemically, is capable of producing on ordinary persons, or an average person, death or grave injury to health.

CHARLES E. CASPARI, a witness for claimant, testified:

I have been a chemist eleven years. Graduate of Johns Hopkins, baccalaureate and Ph. D. Have been engaged in analytical work ever since graduation. Hold the chair of chemistry in the St. Louis College of Pharmacy. Have had experience in the examination of food products.

I have analyzed two samples of Coca Cola syrup, and found 1.21 grains of caffeine per fluid ounce. Between November, 1910, and Christmas, I analyzed ten cups of black coffee without cream for their caffeine content, which I procured in Chattanooga. I found them to contain, respectively: 1.56, 2.45, 1.25, 2.93, 1.53, 1.78, 1.96, 1.95, 1.26, and 2.02 grains of caffeine. The average is 1.87 grains of caffeine per cup.

I have seen Coca Cola manufactured at the factory in Atlanta. There was no evidence of tobacco. The platform upon which the kettle rests was clean. The floor of the basement and the mixing tanks were clean. I have also seen merchandise No. 5 manufactured at Maywood, N. J. Three hundred and eighty

pounds of coca leaves and one hundred and twenty-five pounds of cola nuts are used to make 900 gallons of Merchandise No. 5. After I finished watching the process by which No. 5 was manufactured, samples were taken. I made an analysis of merchandise No. 5, and determined the caffeine in it. I detected qualitatively the presence of tannin and also of chlorophyll.

The Monsanto Chemical Works supplies caffeine to the Coca Cola Company. It has consulted me on one or two occasions, but not generally.

In analyzing Merchandise No. 5 the tannins were determined qualitatively only. I did not determine them quantitatively, because I did not know how. The tannin-like substance was the same kind of substance as in coca leaf and same in Coca Cola syrup. I know this, because all three treated in the same way responded to the same reaction.

The tests for tannin were suggested to me by Dr. Mallet. My only experience with tannin is as stated in the experiments I have given. I do not profess to be a specialist in tannin analysis.

J. F. Johnston, a witness for claimant, testified:

I am proprietor of the local Coca Cola Bottling Works at Chattanooga and was proprietor at the time of this seizure. I sent samples drawn by me personally out of the forty barrels and twenty kegs seized in this case to various witnesses for claimant.

We have bottles made at the different factories. The words "Coca Cola" on the bottle has no hyphen between them. The bottles are made on my order. The Coca Cola Company has nothing to do with the manufacture of them.

A. Sherman Clouting, witness for claimant, testified:

I am a physician, graduate of the Jefferson Medical College in 1896, and have been practicing practically ever since. I practice general medicine, and along with that I have worked on nervous and mental diseases for a number of years. I am a physician for the almshouse and am and have been about three years examiner for the insane at the Philadelphia General Hospital. I know Edward H. Corry, and examined him about July 16, 1910. He was insane when I examined him. He was depressed and apathetic.

Dr. Henry A. Newbold, witness for claimant, testified:

I am a physician. Have practiced my profession since 1893. I graduated from the University of Pennsylvania in medicine. I graduated from the Philadelphia College of Pharmacy in 1870. Since about 1895 or 1896 I have devoted myself for the greater part to nervous diseases. I have been connected with the Philadelphia General Hospital for the past ten years as an examiner for the insane. We examine the patients brought into the detention ward. I examined Edward H. Corry sometime between July 14 and 16, 1910, and signed his commitment papers on the 16th. He was neuropathic always, an unstable nervous condition, and at the time I examined him he was actually insane. I would not say that he was always insane in that sense.

Dr. R. C. Kell, witness for claimant, testified:

I am superintendent of the Chester County Hospital for the Insane at Embreeville, Pa. I was an assistant physician in the Philadelphia Hospital for the Insane, and had charge of the receiving ward in the insane department when Corry was admitted July 20, and I examined him alone. He was apathetic in appearance, more or less depressed. I concluded that the man was insane first, and from the symptoms that he showed I classed him as a psychopathic deficient in nature. His condition could not have been brought about by

drinking soft drinks containing caffeine. I do not think any external thing brought about his mental state. It was congenital deficiency existing from the time the man was born.

I have made no special study of the effect of caffeine on the brain. I know that it stimulates the brain and acts as an excitant. I do not know what an overdose of caffeine would produce on the brain.

Dr. V. C. VAUGHAN, a witness for claimant, testified:

I live in Ann Arbor, Mich. I have been a teacher in the University of Michigan since 1876, and am dean of the medical department and teach the medical students physiological chemistry and hygiene, and lecture to the law and medical students on medical jurisprudence. I have studied in Berlin and Paris. I have a bachelor's degree and a master's degree, doctor of philosophy and doctor of medicine. I have an honorary degree of doctor of medicine from the University of Illinois, honorary degree of doctor of science from the University of Pittsburgh, and honorary degree of LL. D. from the University of Michigan and Central College, Mo. I know the substance caffeine, which is an active ingredient of coffee and tea and certain other beverages. Caffeine is an alkaloid substance and is found in plants. It belongs to the xanthine group of bodies. It is a trimethyl xanthine. Caffeine is found in tea, coffee, chocolate, Paraguay tea, Guarana, and in small quantities in certain plants in this country of the Ilex. Caffeine is part of the daily ration of every soldier. I know of no hospital in the world from which caffeine is excluded. There is a large hospital under my direct control at Ann Arbor, Mich. Coffee and tea are used as regular articles of diet at that institution. One of the normal constituents of the human body is xanthine. Xanthine is found in practically all plants and animals. It is a constituent of the cell—every living, growing cell—in a plant or animal, and when those nucleus substances of the cell break up more or less xanthine is set free. Caffeine is a trimethyl xanthine, and when taken into the body it is stripped of its methyl accompaniments and reduced to dimethyl and monomethyl xanthine, and sometimes probably to xanthine itself.

I have done a great deal of toxicology work. Whether caffeine is a poison or not depends on the amount given and the avenue of administration—how it is given. A poison is a substance, as we understand it, which when taken into the body, on account of its chemical constituent, seriously impairs or destroys the functions of some part of the body or it may kill, or simply impair. I never have known or heard of an authenticated case of death resulting from the use of caffeine in any quantity, and I think I can say that there is not on record—no authenticated record—of fatal poisoning with caffeine.

The report in the Allard case shows that caffeine has absolutely nothing to do with it. It is headed "Cases of theocine poisoning." Theocine is not caffeine. Theocine is an artificial dimethylxanthine, artificially made. It does not come from caffeine. In one of the cases mentioned by that report caffeine is given as an antidote to save a man after he has been poisoned with theocine. I read the original of the Zenetz cases. The title of that case shows what it means. We use caffeine in diseases of the heart and kidneys. It is true the article is somewhat loosely written and may be interpreted in several ways. He states that the woman was "gesund" (sound) in health. Later on he says she was not entirely well, and when she died he says it was difficult to cut the heart with a knife. Neither caffeine nor any other acute poison can produce any such condition of the heart. Such a condition of the heart could be the result only of disease. It must have been a fibrous or calcareous degeneration of the heart. Besides, the title of the article is "The use of caffeine in diseases of the heart and kidneys," and the author simply

claims it is dangerous to use medicinally too large doses of caffeine when applied for diseases of the heart or kidneys. The effect of caffeine in moderate doses is certainly beneficial. The whole history of the world shows that to be the case. Caffeine slightly stimulates—I mean when it is taken as a beverage. It slightly stimulates the nervous system. It makes the muscles work more smoothly and easily and more effectively. It has, however, probably some slight action on the kidneys. Caffeine is no more poisonous than xanthine, which is a normal constituent of the human body. It is a question as to whether it is as poisonous or not. Whether stimulation is injurious to the human system in a moderate amount depends upon the extent to which the stimulation is carried. Stimulation in a moderate amount certainly is not injurious, but is beneficial. We could not live without a certain amount of stimulation.

I am of opinion that Coca Cola syrup taken in the form of a beverage in proportion to one ounce of syrup to 6 or 7 ounces of carbonated water, taken five or six times in the course of a day would not produce injurious effects. I have no doubt it would be stimulating to the brain and muscles, and to some extent, possibly, the kidneys slightly, but such stimulation would be normal.

I conducted some experiments on animals with caffeine. I used guinea pigs in my experiments with caffeine, and from the 2d of February, 1910, to the 16th of May, inclusive, I gave one set of guinea pigs 1/30 of a grain of caffeine by the mouth every day for 104 days. To another set of guinea pigs I administered 1/15 of a grain of caffeine by the mouth every day from March 26 to May 16, inclusive, about 52 days. I saw no ill effect from the caffeine. Dr. Hektoen came to Ann Arbor and made a post-mortem on both the caffeine fed pigs and the control pigs as well. An excessive quantity of caffeine would lead to nervousness. Whether caffeine is a habit-forming drug depends altogether on the use of the word "habit." Caffeine could be called a habit-forming drug in the sense that we get in the habit of taking certain foods at a certain time, but it is not a habit-forming drug in the sense that we use it as applying to morphine, or cocaine, or chloral, or other drugs of that class. It is not a habit-forming drug in the sense that a person who becomes accustomed to the use of it requires a constantly increasing quantity. It is a fact that the person who makes a cocaine or opium habit does require constantly increasing quantities in order to produce the effects sought and finds it difficult to leave it off of his own accord. So far as I know personally or from observation there is no depression following the taking of caffeine as a beverage in ordinary doses.

I have made no study of Coca Cola except as to the caffeine. I have observed persons accustomed to taking Coca Cola, but have made no special study of them, and don't know anybody who takes it. Caffeine is used as a medicine. There is no doubt about the poisonous action of paraxanthine, and I rank it as such in a book written by me. Yes; I wrote a book on poisons and sent it out to the world, but it contains a great many things I know nothing about. What I don't know about the xanthine bases would make a big volume. I admit that when I said caffeine is beneficial because it is related to the xanthine group or bases, that there are a great many things about xanthine I do not know. I stated in my book that xanthine causes muscular rigor and general paralysis, but not increased irritability. I know it produces convulsions in animals as I have tried it.

I wrote the Lomb prize essay for "Healthy homes and health food for the working classes." It was written for the American Public Health Association. In that book I stated it was not necessary to go into details concerning coffee, since it resembles tea in so many of its properties. That the active principle of coffee called caffeine is identical in chemical composition and physiological

effect with thiene of tea; and I further stated that the only time when tea should be used is late in the day, after the heaviest meals have been taken. Since writing this book my opinion has been modified by twenty years' experience and observation, and I would not state that the use of tea or coffee need be confined to the latter part of the day. I further stated that for weak and debilitated persons coffee or tea are not suitable and should be used very sparingly, but I should not now be so solicitous for the effect of tea and coffee on the weak and debilitated. Coffee and tea have a tendency to produce sleeplessness, and if a man does not get normal sleep or rest his health might be impaired as a result and premature nervousness might be brought on. In my book on Cellular toxins, I stated that the action of caffeine is directed upon the central nervous system, the muscles and the kidneys. The effects on the former—that is, on the central nervous system—is one of increased reflex irritability, which, as in the case of strychnine, may lead to complete tetanus and even paralysis. By tetanus I mean convulsions. The muscles contract more easily and with large doses they become permanently contracted, passing into a condition of coagulation like that caused by heat and cold.

Two grains of caffeine taken by the mouth is a moderate dose, and I should say, eight or nine grains a day—that is, 24 hours—distributed throughout the day would be moderate. I have stated in my book that a poison is "a substance that combines with and consequently interrupts the functions of the cell of the respiratory centers of the brain, causing the speedy death of the individual, while those substances that destroy the blood and the liver and the kidney cells are slow poisons, inasmuch as the life of the individual may survive the destruction of a large number of these cells, but those of one class are just as truly poison as those of the other."

I also made the statement that "considerable discussion has been carried on over the question of whether or not its use (that is, meaning tea, in which the active constituent is theine) increases waste of tissue. This may now be considered as settled in the affirmative." There have been, however, experiments since then that controverted that, though I have not conducted any.

To determine whether or not caffeine is a poison, the age, size, and the temperament of the individual should be taken in consideration, and, therefore, what might be a moderate dose for one individual might be a very immoderate dose for another. I should say that caffeine should not be given to children under seven years of age, because there is already in their bodies a large amount of tissue which furnishes the xanthine bases. The glandular tissue in the child is much greater in proportion than it is at any other time in his life, and he gets the xanthine in his body, and often gets it in excess, and xanthine is often found in the kidneys of a child.

Because a certain drug does not produce an observably harmful effect does not at all prove that it is not deleterious. Even one or one and a half grains of caffeine may prove harmful to many persons, and I have no doubt there are many people who should not take caffeine at all. I would prohibit caffeine altogether to children under seven years of age, and even above that age there may be some, and no doubt there are many, to whom it should not be given.

L. SCHAEFFER, a witness for claimant, testified:

I am president of the Schaeffer Alkaloid Works of Maywood, N. J. We make Merchandise No. 5 for the Coca Cola Company. It is made from the coca leaf and the cola nut, and of dilute alcohol. The alcohol is used to extract from the bodies mentioned the extractive matter. Nothing else is used essentially in making the preparation.

The process of making Merchandise No. 5 consists of two parts. The first part is to decocainize the coca leaf.

The second part of the process consists in putting the decocainized coca, with powdered cola nut, into large wooden tanks or into a large wooden tank. Prior to the introduction of the coca and cola a quantity of dilute alcohol has been filled into the tank. The proportions which are used in the process are as follows: 380 pounds of coca leaf and 125 pounds of cola nuts, and 900 gallons of dilute alcohol, of about 20% strength, is taken. The extract obtained is pasteurized in another tank by heating same to a temperature of about seventy degrees centigrade. The pasteurized extract is then filled into wooden barrels, being merchandise No. 5. This process introduces all the extractive matter which can be taken out of the coca leaf, and the cola nut into merchandise No. 5, with the exception of alkaloids of coca leaf. The hydrocarbon toluol which is used in extraction of cocaine and associate alkaloids from the cola leaf does not take any of the water extract substances out from the coca leaf, the same remaining in the leaf. There is a large percentage of matter in the coca leaf which can be taken out with a percolation with water or dilute alcohol. To make a water extract or an extract with dilute alcohol from the coca leaf means to treat the leaf with water or dilute alcohol, so that the water or alcohol soluble substances are taken out. The amount or quantity of extractive matter in coca compared with the quantity of alkaloid in coca is considerably larger, perhaps twenty times as large as the latter in weight. In other words, the extractive of coca leaf, which is done in the first part of above-described manufacturing process, takes out only a very small quantity of substances in the coca leaf, about one per cent only, whilst in the second part of the process that proportion extracted with dilute alcohol is about twenty times as much as is taken out with the hydrocarbon. This is essentially the process I use in my factory to manufacture merchandise No. 5.

I have been manufacturing merchandise for the Coca Cola Co. for about eight years, and this is the process I have always used. I am the inventor, practically, of the process and the machines.

JOHN M. MCCANDLASS, a witness for claimant, testified:

I live in Atlanta, Ga. I am an analytical chemist and have been such for twenty-five years. I was State chemist of Georgia for about ten years. I analyzed a number of cups of coffee I bought in restaurants in the city of Atlanta, and find the average caffeine content to be 1.92 grains.

About May 2, 1906, while I was serving as State chemist of Georgia, I received a letter from the New York Observer, requesting me to send them a copy of the analysis, if I had made an analysis, of coca cola at any previous date, and I had analyzed coca cola about two years previously. In my reply I said, "The worst thing I find in coca cola is caffeine, which is the active principle of tea and coffee."

P. A. WESSENER, a witness for claimant, testified:

I live in Chicago, and am a consulting and physiological chemist. I graduated from the University of Michigan in 1888, receiving a degree of pharmaceutical chemist. I entered the College of Physicians and Surgeons in 1891, which latter became the medical department of the University of Illinois, and graduated from this institution in 1894, receiving the degree of M. D. I held the chair of chemistry in the medical department of the University of Illinois for about 12 years. I am president of the Columbus Laboratory of Chicago, which is devoted to research and analytical examination. The medical department takes up pathology, bacteriology, and physiological chemistry. I have made

analyses of Coca Cola. The fountain syrup contains two-tenths of one per cent of caffeine, or about 1.21 grains to the ounce. The bottlers' syrup contains about 1.1 grains.

Chocolate contains theobromine which, in the coca nibs, varies from about 1 % to 1.38 %. Theobromine and caffeine chemically are very closely allied. Theobromine is a dimethylxanthine, and caffeine is a trimethylxanthine. The caffeine acts upon the muscles and also the central nervous system. Theobromine does not act very much on the central nervous system, but is a much more powerful muscle stimulant than caffeine. Caffeine is a most powerful nerve stimulant. I have read the literature on the subject of toxicology. The word "poison" is, of course, a question of definition. There is no substance known that inherently is a poison. For example, take strychnine. We know that strychnine, as used in the ordinary accepted sense, is a poison. We also know that a half grain of strychnine has caused death. Nevertheless, when that strychnine in lesser doses is given, we know that it is an excellent remedy, and in doses of 1/60th of a grain taken two or three times a day could be given for four or five years—I have given it that long without producing any injurious effects, but really beneficial effects.

If you reduce strychnine to one ten-thousandth of a grain, it would not have any effect whatsoever. But to give you a definition under the explanation which I have given, which is the best I can give, I would say that any substance when introduced into the body in sufficient strength and in relatively small quantities and acting chemically is capable of producing death or serious injury to health in the case of an ordinary individual in average health. Under this definition caffeine is not a poison. I have not been able to find in literature a reported case of death resulting from the use of caffeine in any quantity by a human being. I have examined the Allard and Zenetz cases in the German language referred to by witnesses for the Government. The Zenetz case is rather contradictory. It reads that the woman was in good health in the first instance, and afterwards says she was not feeling well, and says she went to a medicine chest containing, among other things, a box of caffeine citrate. There were twelve powders in the box, of which she took five, and later on took five more, but what became of the other two powders is not stated, and there is no indication that she took caffeine, because no examination was made of what was in the box, and no examination of the body was made. I am familiar with the use and effect of caffeine in coffee, tea, Coca Cola, and other beverages. Caffeine, when taken that way, acts as a mild stimulant. It acts on the central nerve system locally—that is, moderate doses—and on the muscles, and in that way liberates more energy. It induces, under these conditions, or under the action of the stimulant, more activity and better muscular tone. Habit, as applied to drugs, refers to a constant desire for a certain substance, usually in increasing doses. Such a habit is usually followed by fatigue after the first stimulating effect has passed off. In that latter sense caffeine is not a habit-forming drug. I drink two or three strong cups of coffee a day. I have been doing that for at least twenty or twenty-five years. I take in this way from five to seven and a half grains of caffeine every day in my mouth.

Last October while in Jefferson, Texas, I drank on an average five or six glasses of Coca Cola a day, which took the place of coffee, tea, and water. I am not aware that it affected my nerves, body, or mind. I was stimulated and felt better and slept just the same every evening as though I had my coffee and had gone through my daily exercise at home. I take Coca Cola once in a while, but have acquired no habit for it. It is a little too sweet for me. The qualitative effect of caffeine varies with the quantity. In the first place you could not have a qualitative effect unless there is sufficient quantity to produce

it. For instance, I could not get a qualitative test for a substance unless there was sufficient quantity to give that test. Commencing in August, 1910, I conducted some experiments on rabbits with caffeine. One rabbit was always used for a control rabbit, and the others were given caffeine, but all rabbits were treated alike as to the amount of food and exercise given. The rabbits to which the caffeine was fed showed no unusual symptoms when given 50, 100, and 150 milligrams of caffeine daily. A little over a grain and a half of caffeine administered to one rabbit in one day caused a slight disturbance of breathing, but no other noticeable symptoms. On September 17th and 19th 200 milligrams of caffeine were administered daily. That would be equivalent to about 3 grains. Then one of the animals was fed 250 milligrams of caffeine daily, except Sunday, for a period of 21 days. All of the rabbits retained their vigor throughout the experiment and were in a thoroughly healthy condition when slaughtered. On October 14th all of the animals were killed and post-mortem examinations conducted by Dr. Ludwig Hektoen, of Chicago, in my presence. They showed nothing abnormal.

On October 3, 1910, I started feeding another rabbit caffeine, giving it 100 milligrams daily, except Sundays, and continued the feeding until February 6, 1911. The rabbit increased in weight 143 per cent during the period of the experimentation. At the end of the period the rabbit was killed and post-mortem conducted in my presence by Dr. Hektoen. Nothing abnormal was found. No caffeine could be recovered from the livers, carcasses, or urine of any of the animals, which shows that the caffeine had been destroyed—that is, it was no longer caffeine, and could not be identified as caffeine. All of the rabbits increased in weight during the experiments. As to whether caffeine has a greater effect on rabbits or human beings, I would say, in the first place, that rabbits live on a food that is almost free of purin bases or xanthine bases, whereas man, in his food, continually and always has taken xanthine bases, and in that way man has quite a tolerance to such products, whereas a rabbit has not acquired a tolerance in the same manner or degree. It would be true in most instances that an animal that had acquired a tolerance for a substance could take it with less effect than an animal that had not acquired that tolerance; but I would further state that a rabbit's economy has the power to change caffeine rapidly and quickly into less methylated products, and possibly also xanthine—simple xanthine products—and this same process also takes place in the economy of man. These rabbits were given large doses, equivalent to 50-grain doses to a man weighing 150 pounds. From my personal experience and from the literature, I would say that an adult of average weight could take from 20 to 45 grains of caffeine per day. I would not say that they should take that every day, but I think they could take that without causing any injurious effects. I have performed experiments on human beings to determine the physiological effect of caffeine; the object of this experiment was to show that the body of a human has a power to split off the methyl groups in the caffeine. A healthy individual was used—a young man weighing about 140 pounds. The amount of caffeine given this individual was three grains each day for the first, second, and third days. It was given as the natural constituents in the coffee and tea which were analyzed for the caffeine content. On the fourth day, when he commenced to take the caffeine in addition to what was usually found in the coffee and tea, the total amount of caffeine was 11.8 grains. On the fifth day, 13.8 grains, and on the sixth day 13 grains of caffeine.

No injurious effect was produced on the health of this person as far as I was able to observe, and urinary analysis showed an absence of caffeine from the urine. I am the same man who wrote a letter to the Coca Cola Company April 15, 1907, stating the results of analysis made by me as to the contents

of a gallon of Coca Cola syrup, but they had no right to publish that analysis, and I wrote them so after they published it. It was published with the Coca Cola advertisement. I examined the syrup for caffeine, cocaine, and alcohol in that analysis. I found no cocaine present. Barring the sugar and caffeine content I found no material difference between the second and third analyses. The fountain sirup contained 0.59 of one per cent alcohol by volume and bottler's sirup 0.48 of one per cent alcohol by volume. In my first report, made on April 15, 1907, I made the statement, "The contents of this jug were submitted to very careful and exhaustive analysis for cocaine and alcohol, and we failed to find any trace of either." I would not swear that was absolutely correct as to alcohol, but I followed the official chemists' methods to be used in making these tests under the food and drugs act, and I followed out those directions to the letter, and that is the result I got. If the method errs it is not my fault. I have not practiced pharmacology or made any experiments, but have had considerable experience in physiological chemistry. The inquiries which I made as to the results of caffeine on animals was to find out, first, whether caffeine was destroyed in the body; second, if there was any caffeine excreted as such or left in a free condition in any part of the body, and third, to see whether there were any changes produced in the organs or economies of the animal while being fed caffeine. I was not inquiring as to the stimulating effects or the action on the central nervous system or on the muscles or kidneys from a pharmacological standpoint.

ROBERT L. EMERSON, a witness for claimant, testified:

I reside in Boston, Mass., and am a chemist by profession. I was graduated at Harvard University in 1894. In 1896 I entered Harvard Medical College and graduated in 1900. I spent the following year and three months in Germany studying chemistry, and on my return was appointed a teacher in physiological chemistry at the Harvard Medical School, where I taught for five years, teaching physiological chemistry, medical chemistry, toxicology. I left the Harvard Medical School in 1905, and since that I have had a laboratory of my own, where I do special research work. I have the degree of M. D., but have never practiced medicine. Caffeine acts as a stimulant. Whether that effect is injurious to the body depends upon the degree of stimulation. I have made experiments tending to show the effect of caffeine when taken into the system of both men and animals. I have studied the effects of caffeine, taking Coca Cola syrup, on the nutrition processes of the body by experimentation with two men, one of them weighing about 180 pounds, 23 years old, and another about 105 pounds, about 15 years old. The conclusions from these experiments can be summed up briefly by saying that the administration of caffeine even in large doses, as these were, is without any effect upon the amount of urine or upon the amount of nitrogen, which is taken to a certain extent as an indication of the intake and outtake of the body; nor does it show any very great variation in the purin nitrogen beyond that accounted for by taking of that kind of nitrogen; nor does it have any effect upon the amount of uric acid. The experiments conducted on these two men did not disclose the effect of the drug on the brain, because I did not examine that, and prove nothing as to the consumption of brain or nerve tissue or as to the heart.

JOHN F. QUEENY, a witness for claimant, testified:

I reside at St. Louis and have been connected with the drug and chemical trade some thirty-nine years. The company of which I am president and general manager buys considerable quantities of tea and occasionally coffee, and I have had every opportunity of gathering statistics on tea consumption. I

have compiled some figures on certain periods from the statistics issued by the Bureau of Statistics of the Department of Commerce and Labor, covering a period since 1824. My figures are not exact, but are an underestimate. The world's consumption of coffee during 1909–1910 was 2,388,998,568 pounds, and during the season 1908–1909 it was 2,461,747,464 pounds; for 1907–1908 it was 2,313,355,976 pounds. The percentage of caffeine, according to the Government's figures, was 1.35%, but I base it on 1.5%. The world's production of tea, as shown during the season of 1909–1910, was 1,200,000,000 pounds. I calculate the percentage of caffeine was 2.75%. The Government's figures run a little over 3%. The amount of caffeine in the entire coffee for 1909 was 60,000,000 pounds. I have here also the figures of Maté and Paraguay tea, which are quite important, in my opinion, in the quantity of caffeine to be shown. May, 1905, 110,000,000 pounds of Maté or Paraguay tea, containing 1.25%, showing consumption of caffeine in Maté of 1,375,000 pounds.

Dr. Rudolph Witthaus, witness for claimant, testified:

I live in New York. Am a chemist and toxicologist and teacher of those subjects since 1876. Graduated from Columbia College in 1867; then studied in Paris at the Sorbonne and the College de France. I graduated in medicine at the University of the City of New York in 1875. I wrote a small book on chemistry for medical students and a laboratory guide for them; also a chemistry for medical students now in its sixth edition. I wrote the toxicological parts of Witthaus and Beckers Medical Jurisprudence and Toxicology which is now in press. I am a teacher of chemistry and toxicology and medical jurisprudence in Cornell University and emeritus professor in the University of Des Moines. I was chemist of the city of Buffalo, and also chemist of the State dairy commissioners of the State of New York. Toxicology is the science of poisons. A substance may produce deleterious results in several different ways. In the first place, it may act mechanically and produce disturbances in that manner. For instance, in the case of glass or other fragments, or by physical action as in the case of extremely hot water, or it may produce deleterious results by local chemical action which destroys the tissues with which it comes in contact, like sulphuric acid, or it may produce deleterious results by organized material which occurs in the system and produces detrimental results and it may act chemically upon the blood, or it may be carried by the blood to other parts of the body and there produce chemical action which is detrimental which is the case in true poisons; or substances can be taken in excessive quantities, substances naturally taken may also, when taken in excessive quantities, produce deleterious results by the increased quantity. For instance, you may take too much food of one kind or another. When caffeine is taken it is absorbed from the alimentary canal more or less and carried into the blood and dissolved and carried into the several organs and tissues of the body. If taken in exceedingly large quantities or by a person who is afflicted with an idiosyncrasy for it, it may produce unpleasant or deleterious results. That is the only way in which I conceive that it can do that. The results would be of a temporary nature. From my experience as a toxicologist and from the reading of literature, I know of no case of caffeine in any quantity producing death. I have read the Allard and the Zenetz case in the German language and neither of them is a case of death by caffeine. The effect of caffeine on animals would not necessarily afford conclusive evidence of its effects on human beings, because the effect of different drugs on different animals is different in kind and in character, and you can not argue from the effects on animals as to the effect on man, except merely as a preliminary indication. Caffeine taken in the form of beverages is not a habit-forming substance from my experience. When I

don't get it I don't miss it. I wrote a book on toxicology in which I undertook to collate the statistics for a nine-year period as respects certain poisonous drugs.

I took the statistics from other authors. On page 56 there is given thirteen cases of caffeine poisoning in nine years. I have never made any experiments with caffeine or Coca Cola. Dr. Hare wrote a treatise on the effects of caffeine. It is standard. He makes the following statement: "On the nervous system caffeine acts as a rapidly acting stimulant exerting its chief influence on the brain and the spinal cord." "By its cerebral effect it causes increased rapidity of thought; by its influence on the spinal cord it increases the reflex activity, and for this reason it is said to make people nervous." I agree to the first statement, and while I have heard the second statement made many times, I have never had that experience. Dr. Hare also stated: "It is important to remember that it has no effect on brain protoplasm except to stimulate it, and that ultimately a brain driven along by caffeine breaks down by the concentration of its energy for the time being in one effort." I have not experienced that. It is also stated that, "Caffeine has been supposed to increase the pulse-rate and blood pressure by stimulating the heart muscle, but from recent studies in the United States and abroad it would seem probable that these changes are indirectly produced and due chiefly to its stimulating action on the nervous system": but I do not agree to that statement. "Clinically, it certainly seems to raise the blood pressure in almost every instance where it is used." As to this statement, I do not know. In speaking of the untoward results of caffeine on the human system, Dr. Hare states, "Caffeine often produces so much insomnia when given in cases of cardiac disease that its use has to be discontinued. If its use is persisted in it may produce a condition of delirium closely resembling that of alcoholism; and if too large doses are used or it is too frequently repeated, it may cause a decreased urinary flow by causing spasm of the renal vessels. The writer has also seen marked rise of temperature follow its uses in the doses of 2 grains (0.12) three times a day, but this is unusual. In certain persons the habitual use of coffee may cause insomnia, tremors, palpitation, tinnitus, aurius, gastralgia, and emaciation." Caffeine when taken into the system is demethylated usually into one of the dimethyl xanthines—paraxanthine, theophyllin, or theobromine—but which one I don't know. I admit that paraxanthine is moderately poisonous. Theophyllin, or its synthetic reproduction, theocin, is poisonous, and that is what is reported to have killed the patients in the Allard cases. I am not prepared to say that its physiological effect would be at all different from that of theophyllin. Notwithstanding that one of the groups is poison, paraxanthine, and another one of the groups killed patients in the Allard case, I do not admit that caffeine is a poison, though it contains at least two of these groups that killed people. I don't admit that theocin killed the people in the Allard cases.

H. C. Wood, Jr., a witness for claimant, testified:

I live in Philadelphia, and am professor of pharmacology and therapeutics in the Medical Chirurgical College of that city. I graduated in the University of Pennsylvania in medicine. After my studies in Europe, I was appointed teacher of pharmaco-dynamics in the University of Pennsylvania, with which institution I was connected continuously until my election as a professor in the Medical Chirurgical College. I have written a number of articles on pharmacological subjects. I am one of the editors of the United States Dispensatory. I am second vice president of the committee of revision of the United States Pharmacopœia. I made experiments by hypodermically injecting caffeine into frogs. Contractions in the muscles which had received the caffeine were larger

and more noticeable than in the normal muscle. I came to the conclusion that caffeine increased the working capacity of the muscle with probably a less expenditure of energy, because when the experiment was continued over a long period of time, and the muscles became exhausted, I found the total amount of work that the muscle was capable of accomplishing was greater under caffeine than under normal conditions. I performed a number of experiments on different individuals, myself included among them, concerning the action of the drug on the circulating system. I found that under the influence of caffeine there was a slowing of the heart, with generally no great alteration in the blood pressure (that in the force of the circulation), but in one person who never used any form of a caffeine beverage I found an increase in the blood pressure—that is, in the increase of force of circulation, with a slowing of the pulse. That would indicate that the muscles were working more economically, because the slower the heart works the more advantageous the work. It can accomplish the same amount of work with a less expenditure of energy by contracting slowly than by contracting rapidly, and the effect of the blood pressure is not lowered, so there is no weakening of the heart's force. In a book written by my father, entitled "Therapeutics and Its Principles and Practices," fourteenth edition, which I revised in 1908, the following statements appear (pp. 211, 214, and 216):

"The conclusion seems established that in frogs caffeine acts as a motor spinal stimulation, but also as a muscle poison. It is a powerful muscular poison, at first producing a condition in which there is exaggerated muscular excitability, with a tendency to tetanic contractions upon momentary stimulation and after stiffness, weakness, and finally lost excitability. In poisoning by caffeine great increase in the secretion is a common symptom, and the statement of Gubler that the alkaloid is one of our most powerful and certain diuretics has received abundant confirmation. The effect of the drug upon healthy men would indicate that it does not act simply by regulating the circulation of the kidney, but has also a decided effect on the renal organ itself.

"In the advanced stages of caffeine poisoning the heart and the vasomotor system are without doubt depressed so that the fall of pressure is duplex. Experimental evidence, although it is not conclusive, does not point toward any marked effect of the drug upon metabolism."

H. L. Hollingworth, a witness for claimant, testified:

I am director and experimentor in psychology in Columbia University; also director of psychology in Barnard College for the last two years. I took my A. B. degree at the University of Nebraska and served there two and a half years as assistant in psychology and then came to Columbia University as assistant in psychology in charge of advanced laboratory work, and took my degree of Ph. D. and was appointed to my present position. I have made experiments to determine the effect of caffeine on the mental and motor processes. (These experiments were explained by charts, which can not be reproduced here.)

John Marshall, a witness for claimant, testified:

I reside in Philadelphia, Pa., and am professor of chemistry and toxicology in the University of Pennsylvania, which position I have held for thirteen years. I know of no authoritative case of death having been caused by the administration of caffeine. My recollection of the Allard case is that the substance administered was not caffeine, but was theocin. I am not inclined to believe that death was caused in the Zenetz case by the administration of caffeine. I should not say that caffeine was a habit-forming substance in the sense that morphine

and chloral and cocaine and substances of that sort are habit-forming drugs. I conducted an experiment under my personal supervision with respect to the influence of caffeine upon what was termed the nitrogen metabolism. The experiment shows that the administration of six grains of caffeine daily, divided into three doses of two grains each, has practically no influence upon what is termed the nitrogen or protein metabolism of a human being of adult age and normal health.

C. F. CHANDLER, a witness for claimant, testified:

I reside in New York and am a chemist by occupation. I am a professor of chemistry in Columbia University; studied at Harvard University and the University of Göttingen, in Germany, where I received the degrees of master of arts and doctor of philosophy. Was for six years chemist of the metropolitan board of health and for 11 years president of the Board of Health of New York. I have studied toxicology for the purpose of lecturing on it, and I have examined several cases of alleged poisoning where I have had occasion to analyze the remains of the deceased. I am familiar with caffeine. It is not a toxic or a poisonous substance. The use of caffeine in beverages does not result in any serious impairment to the health of any person using it. I have analyzed two samples of coca cola syrup to determine whether there was caffeine present. One sample contained caffeine and one did not. I also examined them for cocaine, but found none. The amount of caffeine found was 1.22 grain per fluid ounce.

E. R. LE COUNT, witness for claimant, testified:

I am a physician by occupation and have been a teacher of pathology in Rush Medical College for nearly 20 years. I received my technical education in Johns Hopkins Medical School and several places in Europe. I have held several thousand post-mortem examinations and am familiar with the appearance of animals ordinarily used in laboratories, both in health and in disease. The Zenetz case does not show anything practically from a pathological standpoint. I don't think there is any such thing as a caffeine heart.

L. HEKTOEN, a witness for the claimant, testified:

I live in Chicago; have been professor of pathology for about 16 years in Chicago Rush Medical College. I received my technical education partly in Chicago and studied at the University of Upsala, University of Berlin, University of Prague, University of Liverpool, and elsewhere. I have held several thousand post-mortem examinations, and am familiar with the appearance of animals ordinarily used in laboratories, both in health and disease. I went to Ann Arbor and spent May 17, 1910, there and examined 15 guinea pigs at Dr. Vaughan's laboratory. The results of the examinations were that in all the animals all the organs were found to be perfectly normal, both on gross and microscopical examination, except in the spleen of two guinea pigs there was a slight excess of pigment; but this was not, in my opinion, due to caffeine. I examined the brain, the lungs, the heart, the aorta, the liver, the spleen, the pancreas, the stomach and intestines, the kidneys, and the super-renal bodies, and in some cases the bone marrow, but found nothing except what I have stated that was in any way from the normal. I also examined four rabbits at Dr. Wessener's laboratory in Chicago. They all appeared to be practically normal to the naked eye and were also found to be perfectly normal under a microscopical examination, except that there were slight changes in the liver of rabbit No. 3 and in the liver of rabbit No. 6. I have made examinations of human bodies to ascertain if there was any change due to taking of

caffeine, but I found no changes that were attributable to the drinking of tea or coffee. From my examinations of rabbits, guinea pigs, and humans, I am of opinion that caffeine causes no change either in the lower animals or in human beings.

R. W. Wilcox, a witness for claimant, testified:

I am a physician, and have been engaged in practice in New York City for 30 years. I am a bachelor of arts of Yale, a master of arts of Obert College, and doctor of medicine from Harvard University. I served short periods in a hospital in Boston and studied 15 months in Vienna, Heidelberg, Paris, and Edinburgh. I think the average health adult can take, with benefit to himself, as a minimum 4 to 6 grains of caffeine a day. I have myself taken, as near as I can ascertain, 6 grains of caffeine a day for the last thirty years. I took forty-two grains of caffeine alkaloid within an hour, it flushed my face considerably, and I did not go to sleep until three o'clock the next morning, and it had a diuretic effect. Caffeine, taken in the form of beverages, is not a habit-forming substance in the sense that it is used requiring more to satisfy the real or fanciful longings for the substance. I have had occasion in my practice to prohibit patients using caffeine-containing beverages on account of the condition of the patient but found no difficulty in inducing them to discontinue its use. Caffeine in the form of beverages in moderate quantities will produce exaltation but the depression will not be below the level from which you started.

Thomas E. Satterthwaite, a witness for claimant, testified:

I live in New York City, and have been a practicing physician for 44 years. I was present and attending Dr. Wilcox a few days ago at the time he took a large quantity of caffeine that he has testified about. I was asked by him to test the action produced on his circulation and respiration by taking a certain amount of caffeine. He took 42 grains, the first dose was 10½ grains, taken at 3.04 in the afternoon and the second dose of 21 grains at 3.27; the next dose was 10½ grains taken at 3.54. I took the records 20 minutes after each dose. The result of the first amount of caffeine alkaloid increased the regularity of the heart; that is, it increased the force and strength of the heart. The next effect produced was a sudden rise in the pulse. The respiration also rose. The result of the second dose, the 21 grains, showed a remarkable increase in the strength. There was a change in the temperature but not a rise. There was a rise in the pulse. After the final dose was given, the pulse fell and the respiration fell to the natural and normal respiration of a natural and normal individual. The conclusion of this series of three experiments was that the pulse rate rose and the respiration increased a little, but with the last dose it fell to normal and the respiration fell to normal. At the same time at the end the irregularity in the force of the pulse was eliminated. I think a moderate amount of caffeine to be taken in beverages to be 5 or 6 grains per day. The effect of such an amount would not be harmful, but would be agreeable and quite stimulating. I have known of no permanent ill effect from the taking of caffeine in any kind of dose. I personally use caffeine in coffee and tea. This use of caffeine has never affected my health. I think there are occasionally times when a cup of coffee if taken stronger than usual will increase nervousness a little, but it has never had anything but a temporary effect on me.

Harold N. Moyer, a witness for the claimant, testified:

I live in Chicago and have been practicing medicine for 31 years; educated at Rush Medical College, medical department of Chicago University; served in the Illinois Eastern Hospital for the Insane for 13 years; afterwards studied

at the universities of Vienna, Heidelberg, Berlin, and returned to Chicago and became connected with the Rush Medical College as teacher, first of the department of physiology and then of the department of nervous diseases. Have made a specialty of nervous diseases since 1892. Caffeine is a nerve stimulant, but not of itself necessarily injurious or detrimental to health. The question whether the effect of caffeine stimulation is detrimental or not depends upon the degree of stimulation. Caffeine is as near a normal stimulant as we have. By moderate quantities. I would say that beverages containing somewhere from 4 to 6 grains of caffeine, taken in a single day would be mildly tonic or stimulating to the nervous system and would not have an unpleasant or uncomfortable result on the average person. Increasing the quantities more than from four to six grains a day would make the stimulating effect greater. The number of persons who would experience discomfort or uneasiness from such large doses would be increased, but as to how large a dose or how many, I could not say, and it might be that they would feel benefited apparently by it. I should say that eight or ten grains of caffeine could be taken daily without detrimental effect. The effect of an excessive dose of undue stimulation from caffeine would continue only so long as the substance remained in the system; not very long, a few hours. The use of caffeine in the form of beverages does not tend to form any habit. I have had occasion to prescribe to patients to discontinue caffeine-containing beverages from time to time, and found no difficulty in inducing them to discontinue its use. The effect of caffeine on young persons, say from 14 to 20 years, is not different from what it is on those more than that age. The effects of caffeine beverages are not more noticeable in those who are from 25 to 40 than in the young. The young tolerate these beverages rather better than those further along in life. Caffeine-containing beverages are prescribed as part of the diet in all the hospitals with which I am connected. That is, they are served throughout the hospitals unless restricted by the physician's orders, and that restriction would apply only to specific cases. The use of caffeine has never in my experience resulted in insanity or in disordering the mind. I think the effect of the other ingredients in Coca Cola syrup would limit the quantity that is ordinarily taken, first, because it is sweet, and then sugar is food and it is rather filling—that amount of syrup.

ALLEN M. HAMILTON, a witness for claimant, testified:

I am a physician, residing in New York, graduated in medicine at the college of physicians and surgeons, Columbia University, New York, in 1870. I have made a special study of clinical diseases of the mind and nervous system. I practiced general medicine for several years, and for the past 35 years I have practically devoted most of my attention to those special subjects. I was professor of clinical psychiatry in the medical department of the University of New York, and also of therapeutics at the college of physicians and surgeons. I have written a book upon clinical psychiatry, upon clinical electrical therapeutics, and a treatise on medical jurisprudence, and a book upon nervous diseases, a book upon the modern treatment of headaches, and a book on railroad accidents and injuries and their relation to the nervous system, and I have contributed frequently to medical papers and publications. I have made a study of the subject of caffeine-containing beverages. Caffeine has been taken by me to help me do my work. There have been times when I have been rather under pressure and have been compelled to work in a short space of time. At these times I have taken coffee and pure caffeine for the purpose of having more ability to do the job I had to do. I found that in my case this has been followed without any trouble or any bad consequences whatever. I have been

able to do better work and to do it in a quicker space of time and to suffer no evil consequences from it. I use caffeine-containing beverages regularly; that is, I take two cups of coffee in the morning, which will contain two grains of caffeine each, two cups of tea in the evening, fairly strong, and I sometimes take an after-dinner cup of coffee. I suppose on an average I get 4 to 5 grains of caffeine each day, and have for a great many years. Caffeine in the form of coffee and tea is used as a part of a diet in institutions for the insane. The effect of caffeine, particularly pure caffeine, where there is no complication, such as occurs in coffee, is to stimulate the mind; the man's ability to associate his ideas is increased and improved. He is enabled to do more work, intellectual work, which he could not do before, without any signs of effort; that is, he works without appreciating that he is doing hard work. He has no emotional stimulation, or comparatively very little. In that respect the effects of caffeine differ from those of morphine or cocaine, where there is emotional excitement. So far as his judgment and memory to recall ideas is concerned, it is improved; and of course all his intellectual operations are stimulated and increased by the effects of caffeine. I do not consider these effects injurious. The length of time it takes the effect of a given quantity of caffeine to disappear from the system depends on the individual case and also on the circumstances under which it is taken. The time is variable. I do not think any reasonable amount of caffeine is retained for more than several hours, but I would not wish to answer that definitely. Caffeine produces sleep in a tired brain in which the breakdown of the nervous tissue remains and is not removed by the introduction of fresh blood. This matter is removed and excreted, and of course, the toxic conditions being removed, sleep follows. In my opinion, there is nothing in caffeine or in caffeine-containing beverages that might affect an unborn child or have any effect on the progeny of people who take it. Caffeine produces nervous symptoms in some people; that is, unrest, irritability, and sleeplessness.

STEWART ROBERTS, a witness for claimant testified:

I live in Atlanta; am a practicing physician; was formerly medical director of the Atlanta public schools for about a year and a half. I made an examination of 100 people in the city of Atlanta who were accustomed to use Coca Cola. I selected the subjects myself, and was assisted by Dr. Boland. My object was to select those people for examination who drank the greatest amount of Coca Cola daily, and for the greatest number of years, and in selecting those subjects it was necessary, as we went on, to use a great many because they had not drunk Coca Cola either enough daily or long enough period of time. The average number of glasses drunk by the one hundred selected was 3.1 glasses, the average time they had been drinking it was 10 years and 7 months. Effort was made to select the one hundred people from as many different occupations as possible, and we found that 34 different lines of work were represented among them. The youngest subject was 19 and the oldest 53. As a result of these examinations there was not, as far as I can tell, any defect that I could find present as a result of Coca Cola on those people. I found some who had occasional headaches, but the cause was ascertained, and in not any case was it due to Coca Cola. In the course of my practice and among my acquaintances I have been thrown in contact with people who use Coca Cola extensively, but I have never known of any case of diseases or disorders, physical or mental, due to the use of Coca Cola among them. From my experience I am of the opinion that Coca Cola is not a habit-forming beverage. Of the 100 persons examined by me, I knew some of them, and knew they drank Coca Cola, and I went to them personally; others of them

were sent to me by Mr. Hirsch, counsel for the Coca Cola Company. In drawing my conclusions as to the effect of Coca Cola I took the statements that each and all of these persons made to me as to the amount of food they consume, the amount of coffee and tea, and tobacco, and the amount of other stimulants, as being true. About 8 of the 100, 7 women and 1 man, were paid by me for being examined. The rest were glad to be examined. My statement that no nervous disorders were produced in them by caffeine was based in part on what the subjects told me.

I wrote the letter which appears on page 3 of a pamhplet issued by the Coca Cola Company, certifying to the virtues of Coca Cola. In 1907 I was professor of physiology in the Atlanta School of Medicine, and Judge Candler wrote me and asked me as a professor of physiology to state the physiological effects that the beverage Coca Cola and the beverage coffee and the beverage tea would have on human beings. I received compensation for writing the letter.

J. E. Paullin, a witness for the claimant, testified:

I am a physician and live in Atlanta, Ga.; received my medical degree in 1905, and have been practicing in hospitals and in private practice since then. I am pathologist of the Georgia State Board of Health. I assisted Dr. Roberts in making examinations of the 100 subjects in respect to the use of Coca Cola.

E. Bates Block, a witness for claimant, testified:

I reside in Atlanta, Ga.; am a physician; graduated in 1895, and have been practicing since. In my practice and among my acquaintances I know many people that drink Coca Cola. I have never known of a case in my practice of physical or mental disorder resulting from the use of Coca Cola by any person. My specialty is nervous and mental diseases. I would not, as a rule, give caffeine to nervous people. I think, as a general proposition, that the administration of caffeine to a person with a tendency to nervousness would be to induce or intensify the nervous temperament. I have never treated any person whose affliction was due to drinking Coca Cola. I have asked patients as to tea and coffee, but I can not recall positively whether I ever asked them specifically in regard to Coca Cola, but I have had them volunteer the information that they drink tea and coffee and Coca Cola, and ask me if they were injurious. I have forbidden some of my patients from taking caffeine-containing beverages, such as coffee, because in some people who are afflicted with restlessness or sleeplessness I find this may be due to caffeine containing beverages, and I asked them to know.

T. B. Hubbard, a witness for claimant, testified:

I live in Atlanta, and am a practicing physician; I have been practicing since 1902. I have never found any physical or mental disorder or derangement resulting from the use of Coca Cola or any other caffeine-containing beverage. It has not been my experience or observation that Coca Cola or other caffeine-containing beverages are habit forming.

B. B. Weisberg and others, residents of Atlanta, testified that they had experienced no ill results from Coca Cola taken at the rate of two to five glasses per day.

Hobart Amory Hare, a witness for claimant, testified:

I live in Philadelphia, Pa., and am a physician. I graduated at the medical department of the University of Pennsylvania in 1884, taking the degree of M. D., also taking from said university the degree of bachelor of science. I have studied in Leipzig, Switzerland, and London. In 1890, after having been

in charge of the department of children's diseases in the University Hospital for several years, I was made clinical professor of diseases of children in the University of Pennsylvania, and in 1891 I was made professor of therapeutics and materia medica in the Jefferson Medical College of Philadelphia, and I still hold that position. I published a textbook on therapeutics, now in its thirteenth edition; a textbook on diagnosis, now in its sixth edition; and a book on the practice of medicine, now in its second edition. Caffeine acts as a mild stimulant on the body. The dose prescribed in the U. S. Pharmacopœia is 1 grain. The doses of the Pharmacopœia are supposed to be average doses. This dose, taken in the form of a beverage, would have very little effect upon a man. The Pharmacopœia dose prescribed in other countries ranges from 5 to 20 grains. I use tea constantly and use caffeine every day.

There are people who can drink one form of caffeine-containing beverage and can not take another; for example, some people can drink tea and not coffee, and vice versa. In the case of those who can drink tea and can not drink coffee, it is due to the presence of the empyreumatic oil. In the case of those who can drink coffee and can not drink tea, it is due to the presence of the tannic acid in the tea which produces disorders of the digestion. I take from one to four grains of caffeine per day. For a time I drank Coca Cola regularly immediately after breakfast, in place of a cup of coffee or some other stimulant before going into my consulting room. During six months I took anywhere from one to four glasses a day. It produced not the slightest injurious effect upon my health, and I gained twelve pounds while taking it. I use caffeine in my practice as a physician constantly, as a stimulant to the general nervous system, in cases of depression to improve the action of the heart in persons who are over fatigued, played out; to increase the activity of the kidneys where the urinary secretion is not as free as it should be; to relieve certain types of headaches and eye strain. Caffeine is not a poison, nor does it have any permanent effect. I base the statement that caffeine is not a poison upon the fact that I have administered it in very large doses without seeing that it produced any symptoms that would justify classing it as a poison. I have taken it myself in several times the dose ordinarily indicated as correct in American and English textbooks without being poisoned, and I can not find any cases in the literature which justify such a classification. In the case of poisoning which did not come to the point of death the doses were either very large or they were poorly reported, and the fact that caffeine is found in certain books classed under the head of poisons or with many substances which are ordinarily known as poisons is of no particular significance. The use of caffeine as a stimulant is not followed by depression, nor is caffeine ever a habit-forming substance, nor does it have any cumulative effect in the slightest degree.

The conclusions that I draw from experiments made by Dr. Wood, are that caffeine increases the muscular ability to work without producing any secondary depression, and without impairing what is sometimes called the reserve energy of the muscles. In other words, it has very much the same effect upon the efficiency of muscles as oiling machinery has upon the efficiency of the machinery. It enables them to expend their energy with less effort. I planned the scope of the experiments testified to by Dr. Hollingsworth, and during their performance investigated the results that he was obtaining and made further suggestions and improvements in the method. I draw identical conclusions from those experiments that I did from those made by Dr. Wood, except that his deals with mental processes, and Dr. Wood's dealt with muscular. It is still open to debate as to the effect of caffeine on blood pressure. In my own book, I state that caffeine raises the blood pressure. The text of the book was prepared in the latter part of 1908, and a number of researches

have been published since then, and many of them before that, which contradicted that view, and I think that is still cloudy. I do not think it is determined. I do not think that caffeine ever produces arteriosclerosis. I think the longer caffeine is taken, the more it is tolerated, and that a person accustomed to taking it can take more without any effect than one who is not accustomed to it, which is the rule in regard to practically all of the alkaloidal drugs. Assuming that 0.21 of 1 per cent of caffeine is present in one ounce of Coca Cola, mixed with six or seven ounces of water, and in that form taken as a beverage, the effect upon the human system would be pleasant, and the influence refreshing. It might increase somewhat the flow of urine. Experiments on animals are indicative of what possibly may occur with the same substance as given to man, but only collaterally so, and the great difficulty in the demonstration of the influence of a drug like caffeine upon the human being by administering that drug to a rabbit or a guinea pig, or to a frog, is that none of those animals are omniverous, that is to say, eat everything, as man does. In the case of the rabbit and the guinea pig, they are vegetarians, and their processes of nutrition are limited therefore, to dealing with vegetable substances, of which, of course, caffeine is one, and human organism is able to handle meat and vegetables of all kinds, and therefore there is no animal which affords a true and accurate representation of what a drug can do, unless it be a pig, which is also omniverous. I admit having used the following language in my Practical Therapeutics (13 ed., 1909) in regard to the effects of caffeine:

"Caffeine acts as a rapidly acting stimulant, exerting its chief influence on the brain and spinal cord. By its cerebral effect it causes increased rapidity of thought, and by its influence on the spinal cord it increases the reflex activity, and for that reason it is said to make people 'nervous.'"

And again:

"It is important to remember that it has no effect on the brain protoplasm except to stimulate it, and that ultimately a brain driven along by caffeine breaks down by the concentration of its energy in one effort."

There is no question about caffeine being a "rapidly acting stimulant," and in stating that it is said to make people "nervous" I am quoting the opinion of others. The words "a brain driven along by caffeine," etc., were put in with particular reference to medical students, who frequently, before coming to my examining room, were in the habit of attempting to study for two days and two nights without any sleep whatever and who took strong coffee—sometimes every hour—to keep going.

W. S. Haines, witness for claimant, testified:

I live in Chicago; am a doctor by occupation, a professor in the Rush Medical College of Chicago and the University of Chicago; have been in the former 35 years and in the latter for the past 10 years. I have experimented with a considerable number of lower animals with a variety of substances. In January, 1910, I made experiments upon guinea pigs for the purpose of ascertaining the effect of caffeine. After the tests had been made the animals were killed in all cases by the use of chloroform, and immediately afterwards their bodies were taken by me to the laboratory of my colleague, Dr. E. R. Le Count, and I watched him make a post-mortem examination of each of them. The animals were weighed at frequent intervals; that is, those that had been given caffeine and the control pigs which had not been given caffeine. The test pigs received $\frac{1}{30}$ to $\frac{1}{4}$ of a grain of caffeine daily—a quantity representing 10 grains of caffeine to a man weighing 150 pounds. There was fluctuation of weight in both sets up and down. There was, on the whole, a steady pro-

gressive increase of weight in both sets, but there was some fluctuation. It was clear during the experiments that the animals taking the caffeine were more restless than those that did not receive the caffeine. I came to the conclusion from the effects on them that I was giving them more than was necessary to secure the data I was seeking, and I therefore reduced the quantity on the 27th of January to $\frac{1}{60}$ of a grain; that is, the quantity corresponding to 5 grains administered to a man weighing 150 pounds. From that time no irritability of the animals was shown. As the animals increased in weight the dose of caffeine was increased. The experiments were conducted over a period of one year and two days.

E. R. Le Count was recalled, and testified that he examined the lungs, heart, spleen, thyroid gland, the salivary gland, liver, pancreas, stomach, alimentary canal, kidneys, suprenal, and the generative organs, and in some instances the bone marrow, and also the brain and spinal column of these animals, and found no evidence of chromotolysi.

Samuel P. Sadtler, a witness for claimant, testified:

I live in Philadelphia, and am a chemist; a graduate of Harvard University, having taken my scientific course in the Lawrence Scientific School in 1870. I went to Germany and made my doctor's degree at the University of Göttingen, and I returned here in the fall of 1871, and since that time have been engaged in the teaching of chemistry. I analyzed two samples of Coca Cola syrup. I found 0.21 of 1 per cent of caffeine in the fountain syrup, which amounts to 1.02 grains per fluid ounce, and 0.20 of 1 per cent in the bottler's syrup, which amounts to 1.18 grains per fluid ounce. I visited Maywood, N. J., and witnessed the manufacture of Merchandise No. 5. I also made an analysis of it, and found it to be free from cocaine. I found it to contain definite quantities of caffein, and a small amount of theobromine, and to give certain reactions indicating tannin. I made experiments to recognize the several constituents of No. 5; that is, the cola extractive matter, including the tannin, and the tannin of the cola nut, and also the coca leaf extractive matter, and the cola extractive matter.

Charles H. Reckefus, a witness for claimant, testified:

I live in Philadelphia; am a physician, and have practiced for 18 years. I have been drinking Coca Cola as a beverage since 1893; during 11 months of the year, since 1895, I have never drank less than six glasses. Coca Cola has not affected or injured my health in the least, but, on the contrary, as I think, is very beneficial.

F. K. Boland, a witness for claimant, testified:

I live in Atlanta; am a practicing physician, and have been such for 11 years. In my practice in Atlanta and among acquaintances I am thrown in contact with people who habitually use Coca Cola. I have never observed any effect it had upon them. I have never known of a case in which disease or impairment of health, either mental or physical, has resulted from the use of Coca Cola. I do not think Coca Cola is a habit-forming drink.

Raymond Wallace, a witness for the claimant, testified:

I reside in Chattanooga; I have been practicing medicine for 8½ years. Coca Cola is sold and extensively used in Chattanooga. I have never known

of any case of injury or impairment of physical or mental health resulting from the use of Coca Cola.

C. J. Gooding, a witness for claimant, deposed in a deposition, which was read in evidence, as follows:

I live in Knoxville, Tenn.; am a druggist, and have been engaged in the business 36 years in Knoxville. I operate a soda fountain in connection with my drug business, at which I sell Coca Cola. I have known this drink for about 18 years. The Coca Cola I sell is diluted with carbonated water. The syrup is made in Atlanta, by the Coca Cola Company. I mix the syrup and water in proportions of one ounce of syrup to seven of water. There has never been, to my knowledge, any other drink placed on the market known as Coca Cola, except that made by the Coca Cola Company, in Atlanta, Georgia. I handle about 750 or a thousand gallons of Coca Cola syrup a year. From my observation I should say that the average number of glasses of Coca Cola a day taken by a person who drinks it is from one to two, possibly three. I have never seen whether or not Coca Cola creates in a person who drinks it a craving for increased quantities. There are no children who drink Coca Cola at my fountain. Coca Cola forms about ⅔ of the drinks sold at my fountain. There has never been, to my knowledge, a case of any person being injuriously affected by drinking Coca Cola. I drink it myself, and have been drinking it for 18 years. I never take more than two glasses a day. Coca Cola has never been sold under any other name, to my knowledge.

B. H. Brown, a witness for claimant, testified:

I am a graduate of medicine. At present I have charge of the laboratory of the Sprague Dairy Company, at Chattanooga. I was city food inspector for three years, until August, 1910, when I went with the Sprague Dairy Co. While I took the degree of M. D., I have never practiced. The first three years after graduation I was in New York, doing clinical work in the hospitals of New York, and when I came back to Chattanooga I took the position of food inspector. I assisted Drs. Wert and Holtzclaw in making an examination of 100 people in the city of Chattanooga last year who were accustomed to use Coca Cola. The largest number of glasses per day taken by any one of these persons of Coca Cola was 15 glasses; two said they drank from 12 to 15 glasses; the average number was 2.48 per day. The examiners endeavored to get those who used the largest amount of Coca Cola. All of the persons examined were males; the average age was 24.57 years; the oldest person was 56 and the youngest 14. The reason we did not have any females as subjects was because the examination was such that we did not believe we could get them to submit to it. As the result of these examinations, we found no subject suffering from any complaint, ailment, or physical condition that could in any way be attributed to the use of Coca Cola. I have never seen any person among my acquaintances suffering from any derangement or ailment that could be traced to the use of Coca Cola.

C. Holtzclaw, a witness for the claimant, testified:

I am a practicing physician in Chattanooga and have been for 30 years. I participated with Dr. Brown in making the examinations to which he has just testified. To the best of my knowledge and belief, as a result of these examinations, none of these persons suffered from any derangement of the system or physical condition which could be traceable in any way to the use of Coca Cola.

J. W. Johnson, a witness for claimant, testified:

I am a practicing physician and have patients and acquaintances who drink the beverage known as Coca Cola. I have never treated any person for any disease or ailment due to the use of Coca Cola, nor have I ever known of such a case.

B. S. Wert, a witness for the claimant, testified:

I am a practicing physician in Chattanooga, and have been for 30 years. I participated with Drs. Brown and Holtzclaw in making the examinations of which they have testified. I personally knew many of the subjects examined. I knew probably 25 or 30 of them. I should think there were at least 30 or 40 different vocations represented among them. Many of them were sedentary vocations. As a result of these investigations none of these subjects were found to be suffering from any complaint or ailment that could be traceable to the use of Coca Cola.

E. Dunbar Newell:

I am a practicing physician in the city of Chattanooga, and have been practicing here two years. I have practiced altogether 13 years. Coca Cola is extensively sold in this vicinity. I have had occasion to observe among my patients and acquaintances people who use it, but have never seen a case of any ailment or disease that resulted from the use of Coca Cola. From my observation and experience I should say that Coca Cola is not a habit-forming substance.

E. E. Reisin, a witness for the claimant, testified:

I am a practicing physician, graduated May 1, 1906, and have been practicing in Chattanooga about three years. I have been thrown in contact with patients and acquaintances who use Coca Cola and have had occasion to observe the effects of it on them, but have never seen anyone that had any disease or ailment that could be traceable to the use of Coca Cola.

T. P. Sheppard and numerous other witnesses, residents of Chattanooga and vicinity, testified they had used Coca Cola daily and experienced no evil effects from it.

J. F. Johnson, recalled as a witness for claimant, testified:

The Ruth Glass Company, of Terre Haute, Ind., and the Chattanooga Bottle & Glass Mfg. Co., of Chattanooga, Tenn., furnish the bottles in which we put up the syrup, and the tops to the bottles are furnished by the Crown Cork & Seal Company, of Baltimore, Md. The Coca Cola Company has nothing to do with procuring either the bottles or the tops. The bottles in which the hyphen was left out between the words Coca and Cola was by accident; we instructed the manufacturers to keep the name on the bottles as contained in the trade mark. The tops that were used in 1909 and 10 have the hyphen between the two words. I do not know how it happened, but there was no intention of getting such top on our part.

Oswald Schmiedeberg, a witness for claimant, whose deposition was taken on March 20, 1911, at Kehl, Baden, Germany, and read in evidence, deposed in substance as follows:

I am residing at Strasburg, Alsace, and my occupation is professor and director of Pharmacological Institute in the University of Strasburg, Alsace, since 1872. I am doctor of medicine and honorary doctor of laws at the University of

Edinburgh, Scotland; corresponding member of the Royal Society of Medicine, London, and of the Philadelphia College of Pharmacy; honorary member of the English Physiological Society; honorary and corresponding member of many other academies of science and medicine in Germany, Austria, Italy, France, Russia, and Sweden. My particular branches of medical science are pharmacology, materia medica, and toxicology. Caffeine in Coca Cola syrup can not act otherwise and is not to be judged otherwise than caffeine in general. Caffeine is a constituent upon which depends the significance of coffee, tea, and some other food materials. Notwithstanding the wide distribution of these beverages, cases of illness from their use which can be held to be due to their content of caffeine are not known. Caffeine in the quantity in which it is taken with these beverages may be with entire certainty set down as harmless on the basis of the experience obtained on so large a scale during several centuries.

Caffeine in the quantities in which it is taken with beverages so acts upon the nerves and muscles that the feeling of fatigue disappears, while the stimulus of the will more easily irritates the muscles, and the supply of energy of the latter can be more easily and efficiently used than in the condition of fatigue without caffeine. Under the influence of the latter, also, the more strenuous intellectual activities are more easily prolonged and the feeling of mental lassitude is less perceptible. Caffeine is a means of refreshing bodily and mental activity, so that this may be prolonged when the condition of fatigue has already begun to produce restraint and the calling for more severe exertion of the will, a state which, as is well known, is painful or disagreeable. The caffeine as commonly known in beverages does not spur the muscles directly to increased activity; therefore they are not necessarily exerted when caffeine is taken in such quantities. The caffeine in quantities stated affects the muscles and nerves indirectly by increasing the irritability, and they respond more readily to every irritation. The use of caffeine in quantities stated in consequence of increased irritability enables the muscles and nerves to respond more easily to the impulse of the will. Its use in the quantities stated would not induce activity of the muscles and nerves without the cooperation of the will. According to the communications which have reached me, about 30 gram—1 oz. of Coca Cola syrup, containing about 1.21 grains caffeine, is used to a glass of about 210 cc of the beverage. From the stated quantities of the caffeine which are taken daily by the use of coffee or tea, it follows that 6⅔ to 13 glasses of Coca Cola might be taken daily without any fear of injury to the health from the quantity of caffeine contained therein.

Decisions of the United States district courts adverse to the Government will not be considered final until acquiescence shall have been published.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 25, 1912.*

1455

○

F. & D. No. 2960, 2961.
S. No. 1072. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1456.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 27, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court for said district a libel for seizure and condemnation of 125 boxes of cheese, each containing one cheese, in the possession of the Waxelbaum Produce Co., Macon, Ga., alleging that the product had been shipped, on or about September 15, 1911, by Crosby & Meyers, Chicago, Ill., from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. The boxes were branded "Waxelbaum Pro. Co., Macon, Ga.", and there was a penciled figure on each box indicating the net weight. The total of the weights indicated on these boxes amounted to 2,725 pounds, and no single box was of the weight marked thereon.

Examination by the Bureau of Chemistry of this Department showed the following: Sum of marked weights, 2,725 pounds; sum of actual weights, 2,583¾ pounds; shortage, 141¼ pounds; shortage 5.2 per cent. Misbranding was alleged for the reason that the actual net weight of the cheese contained in each of said boxes was less than the weight indicated on the outside of the said boxes, and the contents stated in terms of weight or measure were therefore not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered, and after payment of costs by the Waxelbaum Produce Co., Macon, Ga., and the presentation of bond by said company in conformity with section 10 of the Act, fixed by the court at $500, the 125 boxes of cheese were ordered released and delivered to said claimant company.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 13, 1912.*

40198°—No. 1456—12

F. & D. No. 3000.
S. No. 1093. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1457.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On October 6, 1911, the United States Attorney for the Southern District of Georgia, acting on a report of the Secretary of Agriculture, filed in the United States District Court for said district a libel praying seizure and condemnation of 65 boxes of cheese, each containing one cheese, in the possession of the Adams Grocery Co., at Macon, Ga., in the original unbroken packages, alleging that the product had been transported, on or about September 20, 1911, by Crosby & Meyers, Chicago, Ill., from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. The boxes were in no way labeled or marked, except by penciled figures on each box indicating the net weight, according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 1,400 pounds, and no single box was of the weight marked thereon.

Examination by the Bureau of Chemistry of this Department showed the following: 65 cheese weighed showed: Sum of marked weights, 1,400 pounds; sum of actual weights, 1,330¾ pounds; shortage, 69¼ pounds; shortage, 4.94 per cent. Misbranding was alleged for the reason that the actual net weight of the cheese contained in each of said boxes was less than the weight indicated on the outside of the said boxes, and the contents stated in terms of weight or measure were not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered and after payment of costs by the Adams Grocery Co., Macon, Ga., and the presentation of bond by said company, in conformity with section 10 of the Act, fixed by the court at $300, the 65 boxes of cheese were ordered released and delivered to the said claimant company.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 13, 1912.*

40198°—No. 1457—12

F. & D. No. 2981.
S. No. 1081. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1458.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On October 2, 1911, the United States Attorney for the Southern District of Georgia, acting on a report by the Secretary of Agriculture, filed in the United States District Court for said District a libel praying seizure and condemnation of 85 boxes of cheese each containing one cheese, in the possession of S. R. Jacques & Tinsley Co., Macon, Ga., in the original unbroken packages, alleging that the product had been shipped, on or about September 18, 1911, by Crosby & Meyers, Chicago, Ill., from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. The boxes were in no way marked or labeled, except by a penciled figure on each box indicating the net weight, according to the understanding and custom of the trade. The total weights indicated on these boxes amounted to 1,831 pounds, and only four of the boxes were of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following: Sum of marked weights, 1,831 pounds; sum of actual weights, 1,752¾ pounds; shortage, 78¼ pounds; shortage, 4.27 per cent. Misbranding was alleged for the reason that the actual net weight of the cheese contained in the boxes was less than the weight indicated on the outside of the boxes, and the contents stated in terms of weight or measure were therefore not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered and after payment of costs by the S. R. Jacques & Tinsley Co., Macon, Ga., and the presentation of bond by the said company in conformity with section 10 of the Act, fixed by the court at $300, the 85 boxes of cheese were ordered released and delivered to said claimant company.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 15, 1912.*

40198°—No. 1458—12

F. & D. No. 2958.
S. No. 1074. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1459.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 27, 1911, the United States Attorney for the Southern District of Georgia filed in the District Court of the United States for said district a libel praying seizure and condemnation of 159 boxes of cheese each containing one cheese, in the possession of C. E. Newton & Bro., Macon, Ga., alleging that the product remained in the original unbroken packages, and had been shipped by P. H. Peacock, Sheboygan, Wis., from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. The boxes were in no way labeled or marked, except by penciled figures on each box, indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 3,291 pounds, and only 39 of the boxes were of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following: Sum of marked weights, 3,291 pounds; sum of actual weights, 3,197 pounds; shortage, 94 pounds; shortage, 2.85 per cent. Misbranding was alleged for the reason that the actual net weight of the cheese contained in the boxes was less than the weight indicated on the outside of the said boxes, and the contents stated in terms of weight or measure were therefore not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered and after payment of costs by C. E. Newton & Bro., Macon, Ga., and the presentation of bond by said firm, or partnership, in conformity with section 10 of the Act, fixed by the court at $700, the 159 boxes of cheese were ordered released and delivered to said claimants.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 15, 1912.*

40198°—No. 1459—12

F. & D. No. 2945.
S. No. 1071. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1460.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 25, 1911, the United States Attorney for the Southern District of Georgia, acting on a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 boxes of cheese, each containing one cheese, in the possession of Cox & Chappell Co., Macon, Ga., in the original unbroken package, alleging that the product was shipped, on or about September 15, 1911, by Crosby & Meyers, Chicago, Ill., from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded, "Cox & Chappell Co., Macon, Ga.", and there was a penciled number on each box indicating the net weight. The total of the weights indicated on these boxes amounted to 1,075 pounds, and no single box was of the weight marked thereon.

Examination by the Bureau of Chemistry of this Department showed the following: 48 cheeses weighed showed: Sum of marked weights, 1,075 pounds; sum of actual weights, 1,025½ pounds; shortage, 49½ pounds; shortage, 4.6 per cent. Misbranding was alleged for the reason that the actual net weight of the cheese contained in each of said boxes was less than the weight indicated on the outside of said boxes, and the contents, stated in terms of weight or measure, were therefore not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered and after payment of the costs by the Cox & Chappell Co., Macon, Ga., and the tender of a bond by said company in conformity with section 10 of the Act, fixed by the court at $200, the 48 boxes of cheese were ordered released and delivered to said company.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 16, 1912.*

40994°—No. 1460—12

F. & D. No. 98–c. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1461.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MOLASSES.

On May 24, 1911, the United States Attorney for the District of North Dakota, acting upon a report of the Pure Food Commissioner of that State, filed in the District Court of the United States a libel of seizure and for condemnation against 20 cans, each containing 10 pounds of molasses, and 9 cans, each containing 5 pounds of molasses, in possession of the Missouri Valley Grocery Co. Mandan, N. Dak., alleging that the product had been transported from the State of Illinois into the State of North Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each can was labeled: "Jasmine Brand Pure Molasses, contains sulfur dioxid, packed by Corn Products Refining Co., General Office New York, N. Y. Guaranteed by Corn Products Refining Co. to comply with the Food and Drugs Act of June 30, 1906, Registered under Serial No. 2317." Adulteration and misbranding was alleged in "that said cans do not contain a pure molasses, but on the contrary contain molasses which was and is mixed with glucose (corn sirup) to the extent of more than 25 per cent of the quantity of pure molasses in said cans, so as to reduce, lower, and injuriously affect its quality and strength; and a substance, to wit, glucose (corn sirup) had been and is substituted in part for pure molasses; and a valuable constituent of said product had been in part abstracted therefrom, to wit, pure molasses; and the product so contained in said cans was and is misbranded in that the label above set forth bears a statement, design, and device regarding said molasses, which is false and misleading in that the product contained in said cans is an imitation of and was and is offered for sale under the distinctive name of another article, to

wit, pure molasses; and the product aforesaid was and is labeled and branded so as to deceive and mislead the purchaser."

On December 9, 1911, the matter was brought to the attention of the court, which on that day directed entry of judgment of condemnation and forfeiture. Thereafter the Corn Products Refining Co. of New York made offer to pay the costs of the proceedings, which had been taxed at $46.41; and upon tendering a bond by that company, in conformity with section 10 of the Act, placed by the court at $500, the articles were ordered released and delivered to that company.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 16, 1912.*

1461

○

F. & D. No. 3069.
S. No. 1123.
Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1462.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On October 26, 1911, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of three consignments consisting of 50, 100, and 200 cases of tomato pulp, each case containing 4 dozen cans, each of said cans being labeled: "Emerson Brand Tomato Pulp, Packed by B. S. Ayers & Sons Co., Bridgeton, N. J. For Soups." The libel alleged that the product was unsold and in the original unbroken packages and in the possession of Boehm & Holzkamp, 1125 Wallabout Market, Brooklyn, N. Y., that the respective consignments were shipped on or about September 26, September 27, and October 2, 1911, by B. S. Ayers & Sons Co., Bridgeton, N. J., and transported from the State of New Jersey into the State of New York, and that the product was adulterated in violation of the Food and Drugs Act.

Analysis of samples of the product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: I. S. No. 1838–d: Mold filaments present in about 75 per cent of all microscopic fields examined; yeasts and spores about 40 per one-sixtieth cubic millimeter; bacteria about 35,000,000 per cubic centimeter. I. S. No. 1839–d: Mold filaments present in about 75 per cent of all microscopic fields examined; yeasts and spores about 30 per one-sixtieth cubic millimeter; bacteria about 25,000,000 per cubic centimeter. Adulteration was therefore charged for the reason that the contents of each of said cans was composed in whole or in part of a filthy or decomposed substance.

On January 25, 1912, judgment of condemnation was entered after a stipulation had been made for the payment of the actual costs by the claimants, Boehm & Holzkamp, Brooklyn, N. Y., and it was further decreed that the 382 cases of the product seized under the monition should be destroyed by the United States marshal.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 16, 1912.*

40994°—No. 1462—12

F. & D. No. 3068.
S. No. 1122.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1463.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On October 26, 1911, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of tomato pulp, each case containing 4 dozen cans, each of said cans being labeled: "Emerson Brand Tomato Pulp. Packed by B. S. Ayers & Sons Co., Bridgeton, N. J. For Soups." The libel alleged that the product was unsold and in the original unbroken packages and in the possession of Henry L. Meyers, 37 Wallabout Market, Brooklyn, N. Y., having been shipped on or about September 26, 1911, by B. S. Ayers & Sons Co., Bridgeton, N. J., and transported from the State of New Jersey into the State of New York, and was adulterated in violation of the Food and Drugs Act.

Examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Mold filaments present in about 62 per cent of all microscopic fields examined; yeasts and spores about 70 per one-sixtieth cubic millimeter; bacteria about 40,000,000 per cubic centimeter. Adulteration was therefore charged for the reason that the contents of each of said cans was composed in whole or in part of a filthy or decomposed substance.

On January 26, 1912, judgment of condemnation was entered and it was further decreed that of the 100 cases of the product, the 37 cases that had been attached and seized should be destroyed by the United States marshal.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 16, 1912.*

40994°—No. 1463—12

F. & D. No. 2622.
S. No. 943. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1464.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF "DENTON'S HEALING BALSAM."

On May 4, 1911, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen packages of so-called "Denton's Healing Balsam" in the original unbroken packages and in the possession of the Michigan Drug Co., a corporation, 26–38 Congress Street, East, Detroit, Mich., alleging that the product had been shipped on or about March 10, 1911, by Hall & Ruckel, New York, N. Y., and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act. Each bottle in the consignment of 3 dozen packages was labeled: "B. Denton's Vegetable healing balsam, will cure coughs and colds, heals the lungs, inflammation on the lungs; will cure the phthisic, Lame back, Gravel and Kidney complaints, pains in the side, stomach or breast, Ague, in the face or breast, nervous complaints, Palpitation of the heart, dyspepsia and Liver Complaints. It will cure flesh wounds, burns, Chilblains and bruises on man or beast; it will cure sore mouths, sore throats, whooping cough, croups, a sure cure for piles. It will cure neuralgia. It prevents contagious diseases. it cures heaves, coughs and colds in horses." The circular which enveloped each of the bottles, in addition to what appeared on the label aforesaid, contained the following: "Denton's Balsam * * * will cure bleeding of the lungs * * * and asthma, * * * nervousness, * * * cures all sores, soreness in the flesh, burns and bruises on man or beast. Cures summer complaint. * * * Cures loss of appetite, * * * There is a certain remedy for those dreadful enemies to mankind and that remedy is Denton's Vegetable Healing Balsam. The wonderful effect renders it the most

desirable remedy ever yet discovered for diseases mentioned on the label."

Examination by the Bureau of Chemistry of this Department showed the following results: Non volatile residue, 70 per cent; refractive index, (19°) 1.525; refractive index of distillate, 1.471; contains rosin; the product appears to be Canada balsam. Misbranding was therefore alleged in the libel for the reason that the statements on the label, appearing on the circular wrapped around each of the bottles and also appearing on each of the bottles, was deceptive and misleading to the purchaser, and for the further reason that the product was Canada balsam and not a cure for the affections claimed it would cure.

On October 11, 1911, no appearance having been entered by any one claiming an interest in the product, default judgment of condemnation was entered and it was further decreed that the product should be destroyed by the United States marshal.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 16, 1912.*

1464

○

F. & D. No. 2624.
S. No. 947.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1465.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF "DENTON'S HEALING BALSAM."

On May 4, 1911, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen packages of so-called "Denton's Healing Balsam," remaining unsold in the original unbroken packages and in the possession of Farrand, Williams & Clark, a corporation, Bates and Larnard Streets, Detroit, Mich., alleging that the product had been shipped on or about February 10, 1911, by Hall & Ruckel, New York, N. Y., and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act. Each bottle in the consignment of 6 dozen packages was labeled: "B. Denton's Vegetable healing balsam, will cure coughs and colds, heals the lungs, inflammation on the lungs; will cure the phthisic, Lame Back, Gravel and Kidney complaints. pains in the side, stomach or breast, Ague, in the face or breast, nervous complaints, Palpitation of the heart, dyspepsia and Liver Complaints. It will cure flesh wounds, burns, Chilblains and bruises on man or beast; it will cure sore mouths, sore throats, whooping cough, croups, a sure cure for piles. It will cure neuralgia. It prevents contagious diseases, it cures heaves, coughs and colds in horses." The circular which enveloped each of the bottles, in addition to what appeared on the label aforesaid, contained the following: "Denton's Balsam * * * will cure bleeding of the lungs, * * * and asthma, * * * nervousness, * * * cures all sores, soreness in the flesh, * * * Cures summer complaint. * * * Cures loss of appetite, * * * There is a certain

remedy for those dreadful enemies to mankind and that remedy is Denton's Vegetable Healing Balsam. The wonderful effect renders it the most desirable remedy ever yet discovered for diseases mentioned on the label."

Examination by the Bureau of Chemistry of this Department showed the following results: "Non volatile residue, 70 per cent; refractive index, (19°) 1.525; refractive index of distillate, 1.471; contains rosin; the product appears to be Canada balsam." Misbranding was therefore alleged in the libel for the reason that the statement on the label, appearing on the circular wrapped around each of the bottles, and also appearing on each of the bottles, was deceptive and misleading to the purchaser, and for the further reason that the product was Canada balsam and not a cure for the affections claimed it would cure.

On October 11, 1911, no appearance having been entered by any one claiming an interest in the product, default judgment of condemnation was entered and it was further decreed that the product should be destroyed by the United States marshal.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 17, 1912.*

1465

○

F. & D. No. 3167.
S. No. 1159.
Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1466.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SARSAPARILLA.

On November 6, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District a libel for the seizure and condemnation of three barrels, each containing 12 dozen bottles of liquid purporting to be sarsaparilla, and each of said bottles purporting to contain one pint of said liquid, remaining unsold in the original and unbroken packages and in the possession of H. M. and August Wagner, trading as H. M. Wagner & Co., 1111 B Street N. W., Washington, D. C., alleging that the product had been shipped on or about April 17, 1911, from the State of Virginia into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act. Each barrel was branded: "The Beaufont Lithia Water Co., Richmond, Va. 12 doz. Pints Beaufont Sarsaparilla Delicious Flavor Perfect Quality", and each of the bottles contained in the barrels was branded: "The Perfection of Purity and Excellence. Beaufont Medicinal Sarsaparilla—Highest Quality Refreshing Invigorating—Trade Mark and Label Registered—The Beaufont Lithia Water Co., Richmond, Va., U. S. A."

Examination of the product by the Bureau of Chemistry of this Department showed the following results: "Short measure, 4 ounce per bottle; solids, 8.87 per cent; sucrose, 1.63 per cent; invert sugar, 6.46 per cent; solids not sugar, 0.78 per cent; flavoring material, oil sassafras and methyl salicylate." Misbranding was alleged in the libel for the reason that all of the barrels and bottles were branded in such a manner as to import that the product was sarsaparilla, when in truth and in fact it contained no sarsaparilla, and the statements in the labels were misleading and deceptive. Misbranding was further

alleged for the reason that each of the bottles purported to contain one pint of the product, while in truth and in fact they each contained only 12 ounces, fluid measure.

On December 8, 1911, judgment of condemnation was entered and it was further decreed that the three barrels and 55 bottles of the product seized under the libel should be destroyed by the United States marshal.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 17, 1912.*

1466

○

F. & D. No. 2926.
S. No. 1059. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1467.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 18, 1911, the United States Attorney for the Southern District of Georgia, acting on a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 boxes of cheese, each containing one cheese, in the original unbroken packages, and in the possession of H. D. Adams Co., Macon, Ga., alleging that the product had been shipped on or about September 1, 1911, by the S. J. Stevens Co., of Sheboygan, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Mayflower Fancy Full Cream Cheese. Registered S. J. Stevens & Co., Cincinnati, O." and marked "H. D. Adams Co., Macon, Ga." And there was also a penciled figure on each box indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 1,981 pounds and no single box was of the weight indicated thereon.

Examination of the product by the Bureau of Chemistry of this Department showed the following: 92 cheeses weighed by inspector gave:

Sum of marked weights (pounds)	1,981
Sum of actual weights (pounds)	1,885¼
Shortage (pounds)	95¾
Shortage (per cent)	4.8

Misbranding was alleged for the reason that the actual net weight of the cheese contained in the boxes was less than the weight indicated on the outside of them and the contents stated in terms of weight or measure were, therefore, not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered after payment of the costs by the H. D. Adams Co., Macon, Ga., and the presentation of a bond by said company in conformity with section 10 of the act, fixed by the court at $500, the 100 boxes of cheese were ordered released and delivered to said claimant.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 17, 1912.*

40994°—No. 1467—12

F. & D. No. 2887.
S. No. 1043. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1468.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 9, 1911, the United States Attorney for the Northern District of Florida, acting on a report by the Secretary of Agriculture filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 boxes of cheese, known as "Daisies," each containing one cheese, in the original unbroken packages, within the premises of a warehouse located on Garden Street, Pensacola, Fla., alleging that the product had been shipped on or about August 26, 1911, by E. R. Fisher, of Green Bay, Wis., and transported from the State of Wisconsin into the State of Florida, and charging misbranding in violation of the Food and Drugs Act. Each package bore on its side a mark denoting the net weight. The total weights indicated on these packages amounted to 3,121 pounds and only one package approximated the actual net weight as marked thereon.

Examination by the Bureau of Chemistry of this Department showed the following: 150 cheeses weighed by inspector gave:

Sum of marked weights (pounds)	3,121
Sum of actual weights (pounds)	2,901½
Shortage (pounds)	219½
Shortage (per cent)	7.03

Misbranding was alleged for the reason that the actual net weight of the cheese contained in the packages was less than the weight indicated on the outside of them and the contents stated in terms of weight or measure were therefore not plainly and correctly stated. On September 29, 1911, no appearance having been made and no answer put in, judgment pro confesso was entered and thereafter, on October 9, 1911, it was decreed by the court that E. R. Fisher, Green Bay, Wis., should pay $50 fine for his offense and the costs of the proceeding, upon presentation of a bond by the Cudahy Packing Co. as agent of E. R. Fisher, in conformity with section 10 of the act, fixed by the court at $500, the 150 boxes of cheese were ordered released and delivered to said claimant.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 17, 1912.*

40994°—No. 1468—12

F. & D. No. 2505.
S. No. 888.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1469.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PASTE.

On March 9, 1911, the United States Attorney for the Western District of Pennsylvania, acting on a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of tomato paste, each case containing 100 one-pound cans, each of said cans being marked inter alia, " Conserva di Tomate Rossa. Guaranteed under the Food and Drug Act, June 30, 1906. Serial No. 9270." The libel alleged that the product was within the premises located at 500 Dawson Street, Pittsburg, Pa., occupied as a wholesale grocery warehouse, was shipped by Ignatius Gross Co., New York, N. Y., and transported on or about February 18, 1911, from the State of New York into the State of Pennsylvania, and was adulterated in violation of the Food and Drugs Act.

Analysis of samples of this product by the Bureau of Chemistry of this Department showed the following results: " Odor offensive when opened; yeasts and spores 120 per one-sixtieth cmm.; bacteria 300,000,000 per cc.; mold filaments in 45 per cent of the fields; some pieces of decayed tissue of macroscopic size present." Adulteration was therefore charged for the reason that the contents of each of said cans was composed in whole or in part of a filthy, decomposed, or putrid substance and unfit for food.

On October 14, 1911, no appearance having been made and no answer put in by any persons claiming an interest in the product, although a true and attested copy of the writ was given to Felice G. Pivaratto, trading as the Italo-French Produce Co., Pittsburg, Pa., judgment of condemnation was entered and an order made directing the United States marshal to destroy said product.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 18, 1912.*

41287°—No. 1469—12

○

F. & D. No. 2914.
S. No. 1054.
Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1470.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 16, 1911, the United States Attorney for the Southern District of Georgia, acting on a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 125 boxes of cheese, each containing one cheese, in the original unbroken packages, in the possession of the Waxelbaum Produce Co., Macon, Ga., alleging that the product had been shipped on or about August 30, 1911, by S. J. Stevens & Co., of Sheboygan, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Mayflower Fancy Full Cream Cheese. Registered S. J. Stevens & Co., Cincinnati, O. Waxelbaum Prod. Co., Macon, Ga.," and there was also a penciled figure on each box indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 2,735 pounds and only one box was of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following: 125 cheeses weighed by inspector gave:

Sum of marked weights (pounds)	2,735
Sum of actual weights (pounds)	2,615
Shortage (pounds)	120
Shortage (per cent)	4.4

Misbranding was alleged for the reason that the actual net weight of the cheese contained in the boxes was less than the weight indicated on the outside of them and the contents stated in terms of weight or measure were, therefore, not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered, and after payment of the costs by the Waxelbaum Produce Co., Macon, Ga., and the presentation of a bond by said company in conformity with section 10 of the act, fixed by the court at $2,000, the 125 boxes of cheese were ordered released and delivered to said claimant.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 18, 1912.*

41287°—No. 1470—12

F. & D. No. 3006.
I. S. No. 17352–c.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1471.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On January 9, 1912, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Francesco Spicola and Antonio Puglisi, copartners under the firm name of Francesco Spicola & Co., late of the district aforesaid, alleging shipment by them, in violation of the Food and Drugs Act, on or about May 4, 1911, from the State of Minnesota into the State of Michigan, of a consignment of five boxes of macaroni which was misbranded. The product was labeled: " Pure Macaroni Di Prima Qualita La Columbia Uso Cerilli Torre Nozzeata Uso Napoli-Italy."

Examination by the Bureau of Chemistry of this Department showed the following: "Analysis for color only: color, natural." Misbranding was alleged in that the product by its brand purported to be a foreign product, whereas in truth and in fact it was of domestic manufacture and the statement on the label was misleading and deceptive.

On January 11, 1912, a plea of guilty was entered by the defendants and a fine of $5 was imposed by the court upon each of them.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 19, 1912.*

41287°—No. 1471—12

F. & D. No. 2946.
S. No. 1070. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1472.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 25, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 boxes of cheese, each containing one cheese, and 15 boxes of twin cheeses in possession of S. R. Jaques & Tinsley Co., Macon, Ga., alleging that the product had been shipped, on or about September 11, 1911, by Crosby & Myers, of Chicago, Ill., and transported from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was labeled: "S. R. Jaques & Tinsley Co., Macon, Ga." and there was also a penciled figure on each of the aforesaid 115 boxes indicating the net weight thereof. The total of the weights indicated on the 100 boxes amounted to 2,139 pounds, and on the other 15 boxes 637 pounds, and only 12 single boxes were of the weight indicated on the outside.

Examination by the Bureau of Chemistry of this Department showed the following results: "100 cheeses, known to the trade as "Daisies", weighed by the inspector, gave: Sum of marked weights, 2,139 pounds; sum of actual weights, 2,045.5 pounds; shortage, 93.5 pounds; shortage, 4.37 per cent. Fifteen cheeses, known to the trade as "Twins", weighed by the inspector, gave: Sum of marked weights, 637 pounds; sum of actual weights, 604.5 pounds; shortage, 32.5 pounds; shortage, 5.1 per cent." Misbranding was alleged for the reason that the actual weight of the cheese contained in each of the boxes was less than the weight indicated on the outside thereof and the contents stated in terms of weight or measure were therefore not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered, and after payment of costs by the S. R. Jaques & Tinsley Co., Macon, Ga., and the tender of a bond by said company, in conformity with section 10 of the Act, fixed by the court at $500, 115 boxes of cheese were ordered released and delivered to said claimant company.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 19, 1912.*

41287°—No. 1472—12

F. & D. No. 2911.
S. No. 1053. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1473.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 15, 1911, the United States Attorney for the Southern District of Georgia, acting on a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 boxes of Daisy cheese, each containing one cheese, in the original and unbroken package, and in possession of the Cudahy Packing Co., Macon, Ga., alleging that the product had been shipped, on or about August 28, 1911, by E. R. Fisher, Green Bay, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "E. R. Fisher, Green Bay, Wis. Cudahy Pack. Co., Macon, Ga.," and there was also a penciled figure on each box indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 421 pounds, and no single box was of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following:

Total marked weight (pounds)	421
Total actual weight (pounds)	405.5
Shortage (pounds)	15.5
Shortage (per cent)	3.68

Misbranding was alleged for the reason that the actual net weight of the cheese contained in the boxes was less than the weight indicated on the outside of them, and the contents stated in terms of weight or measure were therefore not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered and after payment of the costs by the Cudahy Packing Co., Macon, Ga., and the presentation of bond by said company in conformity with section 10 of the act, fixed by the court at $200, the 20 boxes of cheese were ordered released and delivered to said claimant.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 20, 1912.*

41287°—No. 1473—12

F. & D. No. 3016.
S. No. 1102.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1474.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF BEEF, IRON, AND WINE.

On October 13, 1911, the United States Attorney for the District of Maryland, acting on a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of one barrel of beef, iron, and wine in possession of the Kent Drug Co., Baltimore, Md., and remaining unsold and in the original unbroken package. The libel alleged that the product had been transported from the State of New York into the State of Maryland, date of shipment not shown, and charged violation of the Food and Drugs Act. The barrel was labeled "Beef, Iron & Wine."

Analyses of the samples of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol by volume, 22 per cent; nonvolatile matter, 8.7 per cent; ash, 1.3 per cent; citric acid from citrates, 0.5 per cent; nitrogen, 0.24 per cent; ammonium salts, absent; reducing sugar, present; sucrose, absent. Alcohol by volume, 21.7 per cent; nonvolatile matter, 8.7 per cent; ash, 1.4 per cent; nitrogen, 0.24 per cent; kreatinin, present; reducing sugars as invert, approximately, 2.6 per cent; sucrose, absent; iron per liter, 0.994 gram. Misbranding was alleged in that said barrel although containing approximately 22 per cent alcohol by volume failed to bear a statement on the label as to the quantity or proportion of alcohol contained therein.

On November 27, 1911, no appearance having been made by any person claiming any interest in the product, judgment of condemnation and forfeiture was entered and an order made directing the sale of same at private sale by the United States marshal after changing the deceptive branding on the barrel.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 20, 1912.*

41287°—No. 1474—12

O

F. & D. No. 3018.
S. No. 1098. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1475.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SORGHUM AND CORN SIRUP.

On October 14, 1911, the United States Attorney for the Eastern District of Illinois, acting on a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 580 cases of sorghum and corn sirup, 300 of which each contained six 10-pound packages, 245 of which each contained twelve 5-pound packages, and 35 of which each contained twenty-four 2-pound packages, in possession of New York Store Mercantile Co. (Inc.), Cairo, Ill. The libel alleged that the product had been transported from the State of Kansas into the State of Illinois, date of shipment not shown, and charged misbranding in violation of the Food and Drugs Act. Each of the packages contained in said cases was branded: "Farmer Jones Pride Brand Pure Country Sorghum and Corn Sirup, with cane flavor, manufactured by the Fort Scott Sorghum Sirup Co., Fort Scott, Kansas, put up for New York Store Mercantile Co., Cairo, Ills. Pure Sorghum 45%, Corn Sirup 45%, Refiners Sirup 10%."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Average net weight, 10 pounds 0.24 ounce; solids, 80.44 per cent; direct polarization at 28° C., +116.0; invert polarization at 28° C., +98.2; polarization at 87° C., +103.4; commercial glucose (factor 163), 63.44 per cent; sucrose by Clerget, 13.83 per cent; sucrose by copper, 13.17 per cent; reducing sugar (before inversion), 31.52 per cent; ash, 2.08 per cent; ash insoluble in 10 per cent HCl, 0.01 per cent; moisture, 19.56 per cent; reducing sugar after inversion, 45.38 per cent. Misbranding was alleged for the reason that none of the packages contained 45 per cent pure sorghum, and the labeling of the packages was false so as to deceive and mislead the purchaser.

On November 6, 1911, judgment of condemnation was entered and upon presentation of bond by the Fort Scott Sorghum & Corn Sirup Co., Fort Scott, Kans., in conformity with section 10 of the Act, fixed by the court at $1,000, an order was made for the release and delivery of the property to said company upon payment of the costs of the proceedings.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 22, 1912.*

41287°—No. 1475—12

F. & D. No. 2888.
S. No. 1044.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1476.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MEAT FOOD PRODUCTS.

On September 12, 1911, the United States Attorney for the District of Alaska, acting on a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on October 25, 1911, an amended libel, praying condemnation and forfeiture of 84 tons of beef, pork, poultry, oysters, and sausage in the possession of the Pacific Cold Storage Co., a corporation, domicile Tacoma, Wash., and its subsidiary company of copartnership, The Fairbanks Meat Co., Fairbanks, Alaska, being a part of said Pacific Cold Storage Co. The libel alleged that on or about January 1, 1910, and prior to said date the said Pacific Cold Storage Co. shipped from the State of Washington into the Territory of Alaska the 84 tons of meat food products comprised of the following: 1 case dressed turkey, 49 pounds; 11 cases Eagle oysters; 2 cases Olympia oysters; 22 front quarters, 3,551 pounds, Eagle beef; 30 hind quarters, 4,434 pounds, Eagle beef; 409 front quarters and 411 hind quarters, 125,732 pounds; 264 beef loins, 16,744 pounds; 8 short beef loins, 287 pounds; 62 beef ribs, 2,106 pounds; beef tenders, 138 pounds; 65 cases beef livers, 4,184 pounds; 11 cases beef hearts, 631 pounds; 25 roasting pigs pork tenders, 590 pounds; 57 cases spare ribs, 2,850 pounds; sweetbreads, 240 pounds; 39 cases fancy broilers, 847 pounds; 3 cases Premium broilers, 83 pounds; 35 cases bologna sausage, 902 pounds; 74 cases Frankfurters, 1,928 pounds; 15 cases link sausage, 3,031 pounds; 3 cases lard, 1/50, 150 pounds; 4 cases of lard, 20/3, 240 pounds. The libel further alleged that the 84 tons of meat food products aforesaid were adulterated, decomposed, and deteriorated to such a degree as to be unfit for human consumption and to render the same injurious and deleterious to the health of all persons purchasing and using the same, for the reason that they consisted wholly or in part of a filthy, decomposed, and putrid animal or vegetable substance.

No chemical or bacteriological analysis was made by the Bureau of Chemistry of the United States Department of Agriculture, but an examination made by direction of the United States Attorney aforesaid showed that some 9½ tons of the meat products were unfit for human consumption and this fact was admitted by the owners.

Thereafter, on December 9, 1911, judgment of condemnation was entered as to 22 front quarters, weighing 3,551 pounds, Eagle beef; 30 hind quarters, weighing 4,434 pounds, Eagle beef; beef tenderloins, weighing 138 pounds; 65 cases beef livers, weighing 4,184 pounds; pork tenderloins, weighing 590 pounds; 57 cases spareribs, weighing 2,850 pounds; 1 case turkeys, weighing 49 pounds; 115 cases link sausages, weighing 3,031 pounds. It was further decreed that upon payment of the costs and charges and the presentation of a bond by the Pacific Cold Storage Co., Tacoma, Wash., and the Fairbanks Meat Co., Fairbanks, Alaska, in conformity with section 10 of the Act, fixed by the court at $3,000, providing that the condemned meats may be cooked up, canned, and sold as dog meat only, that the said condemned product be released to the claimants. It was further ordered that upon payment of all the costs and charges in connection with the seizure and care of the meats in this cause, the remainder of said meats seized shall be released from the custody of the United States marshal and turned over to the claimants herein, the said Pacific Cold Storage Co. and the Fairbanks Meat Co.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 22, 1912.*

1476

○

F. & D. Nos. 2556 and 2557.
I. S. Nos. 3396–c and 10601–c. Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1477.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PASTE AND TOMATO SAUCE.

On or about August 30, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against Florinda Delgaizio and Frank A. Garamone, copartners, doing business under the firm name of V. Delgaizio (V. Del Gaizo), New York, N. Y., alleging:

(1) Shipment by them, in violation of the Food and Drugs Act, on or about September 23, 1910, from the State of New York into the State of Pennsylvania of a consignment of tomato paste which was adulterated. The product was labeled: "Packed by V. DelGaizio S. Giovanni a Teduccio, Naples, Italy. Tomato Paste guaranteed Pure. The best in the world." Examination by the Bureau of Chemistry of the United States Department of Agriculture of a sample of this product showed the following results: Yeasts and spores, 400 per one-sixtieth cmm.; bacteria 120 million per cc.; 600 organisms per gram on dextrose agar; 400 organisms per gram on wort agar; and the absence of any gas-producing organisms; mold filaments in 71 per cent of the fields.

(2) Shipment by them, in violation of the Food and Drugs Act, on or about November 5, 1910, from the State of New York into the State of Pennsylvania of a consignment of tomato sauce which was adulterated. The product was labeled: "Packed by V. Del Gaizo S. Giovanni a Teduccio Naples, Italy. Tomatoes Sause. Guaranteed Pure. The Best in the World." Examination of a sample of this product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Yeasts and spores, 600 per one-sixtieth cmm.; bacteria 250 million per cc.; 400 organisms per gram on dextrose agar after three days' incubation; 400 organisms per gram on wort agar; no gas-producing organisms were found present in 0.01 gram quantities; and mold filaments in 83 per cent of the fields.

Adulteration was alleged in the information for the reason that both products consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, rotten, filthy, decomposed, and putrid tomatoes.

On February 19, 1912, the defendants entered a plea of guilty to the information and the court sentenced them to pay a fine of $50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 22, 1912.*

1477

F. & D. No. 2808.
S. No. 1007.

Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1478.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF EVAPORATED MILK.

On July 18, 1911, the United States Attorney for the Eastern District of Louisiana, acting on a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation, confiscation, and forfeiture of 1,200 cases of evaporated milk within the premises of the Boston Warehouse, New Orleans, La. The product was labeled: "Faultless Brand Pure Sterilized Evaporated Milk—A Condensed Milk—Serial No. 19557—16 oz. net—Manufactured by the Faultless Condensed Milk Co., Kansas City, Mo."

Analysis of a sample of said product, made by the Bureau of Chemistry of this Department, showed the following results: Fat, 5.08 per cent; milk solids, 16 per cent. The libel alleged that the product after shipment by the Peltason Co., a corporation, St. Louis, Mo., from the State of Missouri into the State of Louisiana remained unsold in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act, and therefore subject to seizure and destruction. Misbranding was alleged in that the product was an imitation of and was offered for sale under the distinctive name of another article, to wit, evaporated milk, whereas in truth and in fact it was not and is not a genuine evaporated milk, and was further misbranded in that the said label and brand were such as to mislead the purchaser, and was further misbranded in that the label or brand was false and misleading.

On September 29, 1911, no claimant having appeared the court entered a decree finding the said product to be misbranded as alleged in the libel, and condemned and forfeited said product to the United States and ordered its sale by the United States marshal after the destruction of the brand thereon.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 22, 1912.*

41287°—No. 1478—12

F. & D. No. 2897.
S. No. 1049.

Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1479.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 14, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 99 boxes of cheese, each containing one cheese, remaining unsold in the original unbroken packages and in possession of B. E. Roughton, T. H. Halliburton, and W. R. Allen, doing business as Roughton-Halliburton Co., Macon, Ga., alleging that the product had been shipped, on or about August 30, 1911, by S. J. Stevens & Co., of Sheboygan, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Mayflower Fancy Full Cream Cheese Registered--S. J. Stevens & Co., Cincinnati, O." and there was also a penciled figure on each box indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 2,152 pounds and only four of the boxes were of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following: Sum of marked weights, 2,152 pounds; sum of actual weights, 2,055 pounds; shortage, 97 pounds; shortage, 4.5 per cent. Misbranding was alleged for the reason that the actual net weight of the cheese contained in the boxes was less than the weight indicated on the outside of them, and the contents stated in terms of weight or measure were therefore not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered, and after payment of the costs by the Roughton-Halliburton Co., Macon, Ga., and the presentation of a bond by said company, in conformity with section 10 of the Act, fixed by the court at $250, the 99 boxes of cheese were ordered released and delivered to said claimant.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 23, 1912.*

41510°—No. 1479—12

F. & D. No. 3181.
S. No. 1162.

Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1480.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF BUCHU GIN.

On November 6, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of Royal Crest Buchu Gin remaining unsold in the original unbroken packages and in possession of Phillip Lobe & Son, Baltimore, Md., alleging that the product had been transported from the State of Illinois into the State of Maryland, date of shipment not shown, and charging misbranding in violation of the Food and Drugs Act. Each case of the product was branded: "Royal Crest Brand Buchu Gin, Phillip Lobe and Son, Baltimore," and the retail packages of the product in said cases were branded: "Royal Crest Brand Buchu Gin With Herbs, Phillip Lobe and Son, Distributors, Baltimore, Md."

Analysis of the product by the Bureau of Chemistry of this Department showed the following results:

Alcohol (per cent by volume)	38.8
Non-volatile material (per cent)	1.75
Sucrose (per cent)	1.40
Non-sugar solids, by difference (per cent)	.35
Volatile oil	Present.

Misbranding was alleged for the reason that the product consisted of approximately 38 per cent alcohol, and the statement on the containers of the same failed to show the quantity or proportion of the alcoholic content.

On November 27, 1911, judgment of condemnation and forfeiture was entered and it was further decreed that upon payment of all costs by the claimants, Harry G. Lobe and Ferd P. Lobe, co-partners, trading as Phillip Lobe & Son, Baltimore, Md., and the execution of a bond by the claimants in conformity with section 10 of the Act, fixed by the court at $200, the product should be released and delivered to the claimants.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 23, 1912.*

41510°—No. 1480—12

F. & D. No. 3234.
S. No. 1193. Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1481.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS IN SHELL.

On November 22, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District a libel for the seizure and condemnation of two barrels of oysters in the shell in possession of Henry R. Conklin, Center Market, Washington, D. C., alleging that the product had been transported from the State of New York into the District of Columbia, date of shipment and consignor not known, and charging adulteration in violation of the Food and Drugs Act.

Analysis by the Bureau of Chemistry of this Department showed the following results: 5 out of 5 oysters showed the presence of gas developing in 1 cc in bile fermentation tubes after 3 days at 37° C.; 3 out of 5 in 0.1 cc, and 1 out of 5 in 0.01 cc. Score, 41. 110,000 bacteria per cc, plain agar 25° C.; 50,000 bacteria per cc, plain agar 37° C., ten gas-producing organisms. Adulterated. Four out of 4 oysters showed presence of gas developing in 1 cc in bile fermentation tubes after 3 days at 37° C.; 3 out of 4 in 0.1 cc, and 2 out of 4 in 0.01 cc. Score, 275. 700,000 bacteria per cc plain agar 25° C.; 500,000 bacteria per cc plain agar 37° C. One hundred gas-producing organisms. Ten *B. coli* group from 2 oysters. Adulterated. Five out of 5 oysters showed presence of gas developing in 1 cc in bile fermentation tubes after 3 days at 37° C.; 5 out of 5 in 0.1 cc; and 1 out of 5 in 0.01 cc. Score, 140. 1,000 bacteria per cc plain agar 25° C.; 5,000 bacteria per cc plain agar 37° C.; 100 *B. coli* group; 100 streptococci. Adulterated. Adulteration was charged in that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance and was therefore unfit for human consumption.

On December 29, 1911, no appearance having been made a default judgment of condemnation and forfeiture was entered and it was further decreed by the court that the product should be destroyed by the United States marshal.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 24, 1912.*

41969°—No. 1481—12

F. & D. No. 3237.
S. No. 1188.

Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1482.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATOES.

On November 22, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of tomatoes, each case containing two dozen cans of tomatoes in the original unbroken packages, and in possession of Lichenstein & Hirsch, Savannah, Ga., alleging that the product had been shipped, on or about November 16, 1911, by J. Langrall & Bro., Baltimore, Md., from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. Each case was branded: "Tomatoes Parrot Brand 2 doz. No 3 cans. Trade Mark (Cut of parrot). Packed by J. Langrall and Bro. Baltimore, Md." and each of the cans contained in each of the cases was branded: "Parrot Brand Tomatoes Hand Packed. J. Langrall and Bro. Inc. Baltimore, Md., U. S. A."

Analysis by the Bureau of Chemistry of this Department showed the following results:

Can 1.

Meat (per cent)	33.3
Juice (per cent)	66.7
Solids (per cent)	3.16
Total reducing sugars as invert (per cent)	1.26
Salt-free ash (per cent)	.23
Salt (per cent)	2.52
Citric acid (per cent)	.28
Solids on juice (per cent)	2.95
Total reducing sugars as invert on juice (per cent)	1.32
Salt-free ash on juice (per cent)	.17
Salt on juice (per cent)	2.71

Can 2.

Meat (per cent)	32.0
Solids (per cent)	2.91
Total reducing sugars as invert (per cent)	1.00
Salt-free ash (per cent)	.25

Salt (per cent)	2.40
Citric acid (per cent)	.25
Solids on juice (per cent)	2.44
Total reducing sugars as invert (per cent)	1.00
Salt-free ash on juice (per cent)	.23
Salt on juice (per cent)	2.48

Adulteration was alleged in the libel for the reason that in each can of the product there had been put a large quantity of added water, to wit, 15 per cent, more or less, which had been substituted in part for the tomatoes, and that the tomatoes were thereby lowered, reduced, and injuriously affected in their quality and strength.

On January 5, 1912, J. Langrall & Bro. (Inc.), Baltimore, Md., the claimants of the product, having admitted that the facts and statements contained in the libel were true, and having presented bond in the sum of $300, in conformity with section 10 of the Act, it was ordered that upon payment of the costs of the court, the product should be released and delivered to the claimant.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 24, 1912.*

1482

F. & D. No. 2358.
I. S. No. 137–c.
Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1483.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF WINE.

On April 14, 1911, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bettman Johnson Co., Cincinnati, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on or about October 13, 1910, from the State of Ohio into the State of Iowa of 5 cases each containing separate packages or bottles of wine, which was misbranded. Each of the packages or bottles containing the product was branded: "Crystal Sec Select and Dry Not Fermented in the Bottle Guaranteed by Serial No. 2161 to comply with the National Pure Food and Drugs Act. June 30, '06 * * * Crystal Sec Proof 30% Capacity of bottle 8 oz. The Bettman, Johnson Co., Cincinnati, Ohio."

Examination by the Bureau of Chemistry of this Department showed the following results:

Specific gravity	1.01236
Alcohol (per cent by volume)	12.95
Solids (grams per 100 cc)	7.64
Ash, total (grams per 100 cc)	.268
Ash, insoluble (grams per 100 cc)	.058
Ash, soluble (grams per 100 cc)	.210
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	2.0
Alkalinity of insoluble ash (cc N/10 acid per 100 cc)	11.6
Polarization direct, 28° C °V	+1.0
Polarization invert, 25.5° C °V	—3.8
Reducing sugars after inversion (grams per 100 cc)	5.49
Acidity, as tartaric (grams per 100 cc)	.66
Average of 48 bottles 218.8 cc per bottle (per cent short)	7.18

Misbranding was alleged for the reason that the actual amount of the product contained in each bottle was less than the amount indicated by the label thereon, and the contents stated in terms of weight or measure were, therefore, not plainly and correctly stated, but in a false and untrue manner.

On September 28, 1911, the defendant company moved to quash the information and the motion was overruled by the court September 30, 1911. On October 2, 1911, the defendant demurred to the information, and upon the same day the demurrer was overruled, whereupon, the case coming to trial, a verdict of guilty was rendered by the jury on October 9, 1911. Motions in arrest of judgment and for a new trial were filed in behalf of the defendant October 11, 1911. Thereafter, on February 2, 1912, the court overruled these motions and sentenced the defendant company to pay a fine of $50 and costs, amounting to $32.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 24, 1912.*

1483

○

F. & D. No. 1436.
I. S. No. 14229–b. Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1484.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On December 13, 1910, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed an information in the District Court of the United States for said district against J. M. Jackson, Amherst, N. H., alleging shipment by him, in violation of the Food and Drugs Act, on or about November 12, 1909, from the State of New Hampshire into the State of Massachusetts of a quantity of milk which was adulterated.

Examination by the Bureau of Chemistry of this Department showed the following results: The sample contained 3,000,000 bacteria per cubic centimeter, indicating improper handling and that the product consisted in whole or in part of a filthy or decomposed animal substance. Adulteration was alleged by reason of the fact that the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 14, 1910, a plea of nolo contendere was entered by the defendant and he was fined $10.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 24, 1912.*

41969°—No. 1484—12

F. & D. No. 1437.
I. S. No. 13231–b. Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1485.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On December 13, 1910, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed an information in the District Court of the United States for said district against H. E. Spaulding, South Merrimack, N. H., alleging shipment by him, in violation of the Food and Drugs Act, on or about November 12, 1909, from the State of New Hampshire into the State of Massachusetts of a quantity of milk which was adulterated.

Examination by the Bureau of Chemistry of this Department showed the following results: "Specific gravity, 1.0333; total solids, 11.62; fat, 2.70; solids not fat, 8.92." Adulteration was alleged for the reason that a portion of the butter fat had been removed.

On December 14, 1910, a plea of nolo contendere was entered by the defendant and he was fined $10.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 24, 1910.*

41969°—No. 1485—12

○

F. & D. No. 1439.
I. S. No. 13804–d.

Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1486.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On September 2, 1910, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed an information in the District Court of the United States for said district against Almon Hill, Hancock, N. H., alleging shipment by him, in violation of the Food and Drugs Act, on or about November 12, 1909, from the State of New Hampshire into the State of Massachusetts of a quantity of milk which was adulterated.

Examination by the Bureau of Chemistry of this Department showed the following results: "Total solids, 11.24; fat, 2.80; solids not fat, 8.44." Adulteration was alleged for the reason that a portion of the butter fat had been removed.

On November 1, 1910, a plea of nolo contendere was entered by the defendant and he was fined $10.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 24, 1912.*

41969°—No. 1486—12

F. & D. No. 1440.
I. S. No. 13831–b.

Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1487.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On September 2, 1910, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed an information in the District Court of the United States for said district against W. C. Wilder, South Lyndeboro, N. H., alleging shipment by him, in violation of the Food and Drugs Act, on or about November 12, 1909, from the State of New Hampshire into the State of Massachusetts of a quantity of milk which was adulterated.

Examination by the Bureau of Chemistry of this Department showed the following results: "The sample contained 1,100,000 bacteria per cubic centimeter, all of which were of an alkaline type, indicating that the product had been improperly handled, and consisted in whole or in part of a filthy or decomposed animal substance." Adulteration was alleged for the reason that the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 1, 1910, a plea of nolo contendere was entered by the defendant and he was fined $10.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 24, 1912.*

41969°—No. 1487—12

○

F. & D. No. 1441.
I. S. No. 14259-b.
Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1488.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On September 2, 1910, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed an information in the District Court of the United States for said district against George H. Yeaton, Epsom, N. H., alleging shipment by him, in violation of the Food and Drugs Act, on or about November 11, 1909, from the State of New Hampshire into the State of Massachusetts, of a quantity of milk which was adulterated.

Examination by the Bureau of Chemistry of this Department showed the following results: "The sample contained 1,400,000 organisms per cubic centimeter, consisting of mold and alkaline colonies, indicating improper handling and that the product consisted in whole or in part of a filthy or decomposed animal substance." Adulteration was alleged for the reason that the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 1, 1910, a plea of nolo contendere was entered by the defendant and he was fined $10.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 25, 1912.*

41968°—No. 1488—12

F. & D. No. 1442.
I. S. No. 14441–b. Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1489.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On December 13, 1910, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed an information in the District Court of the United States for said district against George Blanche, Greenville, N. H., alleging shipment by him, in violation of the Food and Drugs Act, on or about November 12, 1909, from the State of New Hampshire into the State of Massachusetts of a quantity of milk which was adulterated.

Examination by the Bureau of Chemistry of this Department showed the following results: "The sample contained 2,300,000 bacteria per cubic centimeter, indicating improper handling, and that the product consisted in whole or in part of a filthy or decomposed animal substance." Adulteration was alleged for the reason that the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 14, 1910, a plea of nolo contendere was entered by the defendant and he was fined $10.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 25, 1912.*

41968°—No. 1489—12

○

F. & D. No. 1486.
I. S. No. 12853–b.
Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1490.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On December 13, 1910, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed an information in the District Court of the United States for said district against W. D. Holt, Temple, N. H., alleging shipment by him, in violation of the Food and Drugs Act, on or about November 12, 1909, from the State of New Hampshire into the State of Massachusetts of a quantity of milk which was adulterated. Examination by the Bureau of Chemistry of this Department showed the following results: "The sample contained 2,200,000 bacteria per cubic centimeter, indicating that the product has been improperly handled and consisted in whole or in part of a filthy or decomposed animal substance." Adulteration was alleged for the reason that the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 14, 1910, a plea of nolo contendere was entered by the defendant and he was fined $10.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 25, 1912.*

41968°—No. 1490—12

O

F. & D. No. 2949.
S. No. 1064.
Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1491.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 23, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 45 boxes of cheese, each containing one cheese, in the original and unbroken packages and in the possession of Barfield & Brown, Macon, Ga., alleging that the product had been shipped on or about August 28, 1911, by the S. J. Stevens Co., Sheboygan, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Mayflower Fancy Full Cream Cheese. Registered S. J. Stevens & Co., Cincinnati, O."; and there was also a penciled figure on each box indicating the net weight according to the understanding and custom of the trade. The total weight indicated on these boxes amounted to 991 pounds, and the contents of no single box was of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following results: 45 cheeses weighed by inspector gave: Sum of marked weights, 991 pounds; sum of actual weights, 896¼ pounds; shortage, 94¾ pounds; shortage, 9.56 per cent. Misbranding was alleged for the reason that the actual net weight of the cheese contained in the boxes was less than the weight indicated on the outside of them and the contents, stated in terms of weight or measure, were therefore not plainly and correctly stated, but in a misleading manner.

On January 26, 1912, judgment of condemnation was entered and, after payment of costs by Barfield & Brown, Macon, Ga., and the presentation of a bond by said claimants in conformity with the intent of the Act and fixed by the court at $300, the product was ordered released to said claimant.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 25, 1912.*

41968°—No. 1491—12

F. & D. No. 2944.
S. No. 1063.
Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1492.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 23, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 117 boxes of cheese, each containing one cheese, in the original unbroken packages and in possession of the Waxelbaum Produce Co., Macon, Ga., alleging that the product had been shipped on or about September 11, 1911, by Crosby & Meyers, Chicago, Ill., and transported from the State of Illinois into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each of the boxes was branded: "Waxelbaum Produce Co., Macon, Ga.," and there was also a penciled figure on each box indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 2,589 pounds, and the contents of no single box was of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following results: 117 cheeses weighed: sum of marked weights, 2,589 pounds; sum of actual weights, 2,455½ pounds; shortage 133½ pounds; shortage, 5.15 per cent. Misbranding was alleged in the libel for the reason that the pencil figures did not plainly and correctly state on the outside of the respective boxes the true or actual weight or measure of the contents of the same, and such marking or labeling was misleading as it did not show that the actual weight of the cheese was less than the weight indicated.

On January 26, 1912, judgment of condemnation was entered and after payment of costs by the Waxelbaum Produce Co., Macon, Ga., and the presentation of a bond by said claimants in conformity with section 10 of the Act, fixed by the court at $500, the product was released and delivered to the claimants.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 25, 1912.*

41968°—No. 1492—12

○

F. & D. No. 2935.
S. No. 1061. Issued May 29, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1493.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 22, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 73 boxes of cheese, each containing one cheese, remaining unsold in the original unbroken packages, and in possession of the C. M. Fulghum Co., Macon, Ga., alleging that the product had been shipped on or about September 8, 1911, by P. H. Peacock, Sheboygan, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Peacock Brand Royal Jersey American Cream Cheese. Guaranteed Full Cream. For Jacques & Tinsley Co.," and there was also on each box a penciled figure indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 1,588 pounds, and the contents of only 22 of the boxes were of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following results: Sum of marked weights, 1,588 pounds; sum of actual weights, 1,550 pounds; shortage, 38 pounds; shortage, 2.39 per cent. Misbranding was alleged in the libel for the reason that the penciled figures did not plainly and correctly state on the outside of the respective boxes the true or actual weight or measure of the contents of the same, and such marking or labeling was misleading as it did not show that the actual weight of the cheeses was less than the weight indicated.

On January 26, 1912, judgment of condemnation was entered and after payment of costs by the C. M. Fulghum Co., Macon, Ga., and the presentation of a bond by said claimants in conformity with section 10 of the Act, fixed by the court at $100, the product was released and delivered to the claimants.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 25, 1912.*

41968°—No. 1493—12

F. & D. No. 2889.
S. No. 1045.

Issued May 31, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1494.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 11, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 38 boxes of cheese, each containing one cheese, remaining unsold in the original unbroken packages and in possession of B. E. Roughton, T. H. Halliburton, and W. R. Allen, doing business as the Roughton, Halliburton Co., Macon, Ga., alleging that the product had been shipped on or about August 22, 1911, by J. F. Rappel & Co., Manitowoc, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each of the boxes was branded: "Wisconsin Full Cream Cheese (Whole Milk), Pioneer, Made Expressly for Roughton, Halliburton Company, Macon, Georgia, J. F. Rappel & Company sole Manufacturers and Distributors, Manitowoc, Wisconsin. Distributors of Daisies, Twins and Singles, Long-Horns, Young Americas, Squares, all Styles," and there was also a penciled figure "21," on each box indicating the net weight according to the understanding and custom of the trade. The totals of the weights indicated on these boxes amounted to 798 pounds, and the contents of no single box was of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following result: 38 cheeses weighed; sum of marked weights, 798 pounds; sum of actual weights, 757 pounds; shortage, 41 pounds; shortage, 5.14 per cent. Misbranding was alleged in the libel for the reason that the pencil figures did not plainly and correctly state on the outside of the respective boxes the true or actual weight or measure of the contents of same, and such marking or labeling was misleading as it did not show that the actual weight of the cheeses was less than the weight indicated.

On January 26, 1912, judgment of condemnation was entered and after payment of costs by the Roughton, Halliburton Co., Macon, Ga., and the presentation of bond by said claimants in conformity with section 10 of the Act, fixed by the court at $250, the product was ordered released and delivered to the claimants.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 26, 1912.*

1494

F. & D. No. 1780 and 1874.
I. S. Nos. 19715-b and 18453-b. Issued May 31, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1495.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MORPHINE CURE.

On or about July 31, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against the Lexington Drug & Chemical Co., a corporation late of the district aforesaid, alleging:

(1) Shipment by said company, in violation of the Food and Drugs Act, on or about May 6, 1910, from the State of New York into the State of Missouri of a certain article being and purporting to be a medicine for the cure, mitigation, and prevention of the morphin habit, which was misbranded. The product was labeled: "This bottle contains Morphine Sulphate, not to exceed 12 Grains to the fluid ounce, and three per cent of grain Alcohol,—used as a preservative only. These two are combined with other ingredients, so compounded as to meet the actual needs at this time, of the person for whom the prescription was written. Caution:—Under no circumstances should this remedy be used by any person other than the one for whom it was prescribed. Use as Directed. No. ——. Prescribed expressly for —— ————. Shake well before using. Guaranteed under the Pure Food and Drugs Act of June 30, 1906. Serial Number 6024. Notice. The quantity of Morphine actually contained herein is only the amount really required by the patient at this time. The quantity stated in the label represents the maximum amount prescribed in the initial prescription."

Analysis by the Bureau of Chemistry of this Department showed the following results: (Bottle No. 1) Alcohol, 7.9 per cent by volume; morphin sulphate, 13.7 grains per fluid ounce. (Bottle No. 2) Alcohol, 7.7 per cent by volume; morphin sulphate, 13.7 grains per fluid ounce. The libel alleged that the product was misbranded so as to deceive and mislead the purchaser or purchasers thereof in that the package, container, and label of said article bore a statement regarding such article and the ingredients and substances contained therein

which was false and misleading inasmuch as the said package and container contained alcohol and morphin and failed to bear any statement of the actual quantity or proportion of such alcohol or morphin contained therein, but the said alcohol and morphin were greater in amount and proportion than was stated on said package and container.

(2) Shipment by said company, in violation of the Food and Drugs Act, on or about May 25, 1910, from the State of New York into the State of New Jersey of a certain article being and purporting to be a medicine for the cure, mitigation, and prevention of the morphin habit, which was misbranded. The product was labeled: "This bottle contains morphin sulphate not to exceed 12 grains to the fluid ounce and three per cent of grain alcohol. Used as a preservative only * * * Prescribed expressly for —— ——— * * * guaranteed under the Pure Food and Drugs Act of June 30, 1906. Serial number 6024."

Analysis by the Bureau of Chemistry of this Department of the product showed the following result: (Bottle No. 1) Alcohol, 1.5 per cent by volume; morphin sulphate, 16 grains per fluid ounce. (Bottle No. 2) Alcohol, 1.9 per cent by volume; morphin sulphate, 16 grains per fluid ounce. The libel alleged that the product was misbranded so as to deceive the purchaser or purchasers thereof in that the bottle, package, and label of said article bore a statement regarding such article and the ingredients and substances contained therein which was false and misleading inasmuch as said package contained morphin and failed to bear any statement of the quantity or proportion of said morphin, but the said morphin was greater in amount and proportion than was stated on said package and label.

On March 4, 1912, said company entered a plea of guilty and a fine of $25 was imposed by the court.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 26, 1912.*

1495

O

F. & D. No. 3031.
S. No. 1108.

Issued May 31, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1496.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF EVAPORATED MILK.

On October 18, 1911, the United States Attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 170 cases of Honeysuckle Brand Evaporated Milk, each case containing a large number of retail cans, the exact number unknown, remaining unsold in the original unbroken packages and in the possession of B. L. Gordon & Co., Spokane, Wash., alleging that the product had been transported from the State of Utah into the State of Washington, date of shipment not shown, and charging misbranding in violation of the Food and Drugs Act. Each of the retail packages was labeled: "Honeysuckle Brand, Unsweetened Evaporated Milk, Manufactured by the Cache Valley Condensed Milk Co., Logan, Utah. Contents not less than 26% T. S., 7.5% B. F. Directions: Use the Honeysuckle Brand Evaporated Milk for all purposes that you would fluid milk or cream. Keep the open can in a cool place. Guaranteed by Cache Valley Condensed Milk Co., under the National Food and Drugs Act June 30, 1906. Serial No. 16144. Thoroughly sterilized and put up in sanitary cans."

Examination of a sample of this product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Total solids, 24.80 to 25.49; fat, 7.26 to 7.53. Misbranding was alleged in the libel for the reason that the product was not sufficiently evaporated to be entitled to the name "Evaporated milk," and the statements on the labels of branding used on the retail packages were false and misleading and insufficient to convey to the consumer of such milk that the same was in any respect deficient and would deceive and mislead the purchaser.

On November 16, 1911, judgment of condemnation was entered, and after payment of the costs by B. L. Gordon & Co., Spokane,

Wash., and the presentation of a bond by such claimant, in conformity with section 10 of the act, fixed by the court at $1,000, the product was released and delivered to the claimants.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 26, 1912.*

1496

○

F. & D. No. 2592.
I. S. No. 13225-c.
Issued May 31, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1497.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF HOPCREAM.

On January 26, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed an information in the District Court of the United States for said district against Charles F. Ogren, doing business as Charles F. Ogren & Co., Chicago, Ill., alleging shipment by him, in violation of the Food and Drugs Act, on or about December 13, 1910, from the State of Illinois into the State of Indiana, of a consignment of three casks packed with bottles of "Hopcream," a beverage in liquid form, used for food. The product was labeled: "Guaranteed by Chas. F. Ogren & Co., under the Food and Drugs Act, June 30, 1906. Serial No. 24959. Sold in all Temperance Communities. Trade Mark. C. F. O. Purity Age Strength, Ogren's Pepsinated Hopcream Registered Trade Mark. Healthy, Refreshing and Invigorating. Chas. F. Ogren & Co. Chicago. Non-Intoxicating Beer. Keep in a cool place."

Examination made by the Bureau of Chemistry of the United States Department of Agriculture of a sample of this product showed the following results: Odor, malty odor like beer; taste, like lager beer; specific gravity beer, 1.0164; specific gravity dealcoholized beer, 1.0214; extract, 5.69; ash (grams per 100 cc.), 0.108; alcohol (per cent by volume), by specific gravity of distillate, 3.57; by refractive index on separate distillation, 3.60; alcohol, qualitative, positive; protein, 0.22; original gravity of wort, 1.0418; polarization on beer undiluted at 20° C., in 200 mm. tube, +47.4, +43.2, +41.0; P_2O_5 (grams per 100 cc.), 0.029; total sugar as maltose (grams per 100 cc.), 1.05; pepsin, none by digestion test. Misbranding was alleged in the information for the reason that the label was false and misleading in that it purported to state that the product was a non-intoxicating beer and that it contained pepsin; whereas, as a matter

of fact, it contained a large amount of alcohol which rendered it an intoxicating beverage, but contained no pepsin.

On February 17, 1912, defendant entered a plea of guilty and the court imposed a fine of $200 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 27, 1912.*

1497

O

F. & D. No. 116-c. Issued May 31, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1498.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On or about October 11 and October 27, 1911, Edward T. Schaeffer, of Araby, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. The Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the milk was adulterated within the meaning of the Food and Drugs Act, the said Edward T. Schaeffer was afforded an opportunity to present to the health office evidence showing any fault or error in the findings of the analyst, but failed to avail himself of the same, and the facts were reported to the United States Attorney for the District of Columbia.

On March 3, 1912, an information was filed against the said Schaeffer, charging that in each shipment the milk was adulterated in that it had been mixed and packed with a substance, to wit, water, which reduced and lowered its quality. On the same day the defendant appeared in court and entered a plea of guilty, and a fine of $10 was imposed on each count by the court.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 27, 1912.*

42418°—No. 1498—12

○

F. & D. No. 117-c. Issued May 31, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1499.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On or about October 21, 1911, Harvey L. Zimmerman, Frederick, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. The Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the milk was adulterated within the meaning of the Food and Drugs Act, the said Harvey L. Zimmerman was afforded an opportunity to present to the health office evidence showing any fault or error in the findings of the analyst, but failed to avail himself of such opportunity, and the facts were reported to the United States Attorney for the District of Columbia.

On February 26, 1912, an indictment was returned against the said Zimmerman charging that the milk was adulterated in that it had been mixed and packed with a substance, to wit, water, which reduced and lowered its quality.

On March 6, 1912, the defendant appeared in court and entered a plea of guilty and a fine of $25 was imposed by the court.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 27, 1912.*

42418°—No. 1499—12

○

F. & D. No. 2713.
I. S. No. 13232-c.

Issued May 31, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1500.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CLEARO.

On January 26, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles F. Ogren, doing business as Clearo Manufacturing & Bottling Works, Chicago, Ill., alleging shipment by him, in violation of the Food and Drugs Act, on or about January 17, 1911, from the State of Illinois into the State of Indiana of a consignment of ten casks packed with bottles of Clearo, a beverage in liquid form, used for food. The product was labeled: "Guaranteed under the Pure Food and Drugs Act, June 30th, 1906. Sold in all Temperance Communities. Clearo. Trade Mark. A pure Food and Health Beverage. Non-Intoxicating Refreshing and Delicious. Sole Distributors U. S. and Canada Clearo Manufacturing and Bottling Works, Chicago, Illinois."

Examination by the Bureau of Chemistry of this Department showed the following results: Solids (grams per 100 cc), 4.84; alcohol (per cent by volume), 2.52; methyl alcohol, none; alcohol, qualitative test, positive; turbid, light color, much effervescence; taste, malt liquor. Misbranding was alleged in the information for the reason that the label was false and misleading in that it purported to state that the product was a non-intoxicating beverage, whereas as a matter of fact it contained a large amount of alcohol, to wit, 3 per cent by volume, which rendered it an intoxicating beverage.

On February 17, 1912, defendant entered a plea of guilty and the court imposed a fine of $200 and costs.

W. M. Hays,
Acting Secretary of Agriculture.

Washington, D. C., *April 27, 1912.*

42418°—No. 1500—12

INDEX TO NOTICES OF JUDGMENT 1001 TO 1500.[1]

[Arranged under heads: Foods (p. 2); Beverages, including waters and medicated drinks (p. 8); Drugs (p. 9).]

FOODS.

Alaga Alabama-Georgia sirup: N. J. No.
Alabama-Georgia Syrup Co 1187
Albumen, Dried egg:
Jahn, W. K., Co 1300
Albumen, Powdered egg:
Jahn, W. K., Co 1389
Alfalfa meal:
Wash Co. Alfalfa Mixed Feed & Milling Co 1409
All-bean vanilla:
Warner-Jenkinson Co 1449
Almond extract. (*See* Extract, Almond.)
Almond paste:
Heide, Henry 1335
Apple and sugar, Preserved peach:
St. Louis Syrup & Preserving Co 1038
Apple butter:
Earll Coffee Co 1356
St. Louis Syrup & Preserving Co 1400
Apple chops, Evaporated:
Groucher & Packard 1313
Leslie, John H., & Co 1408
Apple cider vinegar. (*See* Vinegar.)
Apple flavor jelly. (*See* Jelly, Apple flavor.)
Apple jelly. (*See* Jelly, Apple.)
Apple vinegar. (*See* Vinegar.)
Apples:
Guinn Bros 1330
Hofmann Bros. Produce Co 1245
Jackson, R. S., & Co 1369
Kimble, S. & J., & Co 1330
Minturn, A. R 1401
Simpson & Minturn Fruit & Produce Co. 1401
Teasdale Fruit & Nut Products Co 1323
Wallerstein, David, & Co 1416
Wallerstein Produce Co 1256
Youngs, Elphonzo, Co 1416
Apricot jam. (*See* Jam, Apricot.)
Aunt Jemima's sugar cream:
Rigney & Co 1345
Banana extract. (*See* Extract, Banana.)
Black olives. (*See* Olives.)
Blackberry jam. (*See* Jam, Blackberry.)
Bloaters, Cromarty:
Jordan, William H., & Co 1343
Blueberries:
Henderson, W. S 1154
Russell, Edward T., & Co 1154
Bran, Corn:
Bradley Bros 1071
Brooke's Lemos:
Brooke, C. M., & Sons 1413
Buckwheat flour:
Wright, Stillman, & Co 1325
Butter:
Pond, S. P., Co. (Inc.) 1018
Butter, Apple. (*See* Apple butter.)
Butter, Cane and maple sugar:
Marshalltown Syrup & Sugar Co 1121, 1122
Butter, Wisconsin creamery. (*See* Oleomargarin.)
Butterfly cane and maple sirup:
Gordon Syrup Co 1394
Candy:
Bradley-Smith Co 1244
Candy, Chocolate cherry fudge:
Schaeffer, James E 1351
Candy, London creams:
Bradley-Smith Co 1243
Candy, Pecan creams:
Schaeffer, James E 1351
Cane and maple sugar butter:
Marshalltown Syrup & Sugar Co 1121, 1122
Cane sirup. (*See* Sirup, Cane.)
Catsup. (*See* Tomato ketchup.)
Cheese:
Adams, H. D., Co 1467
Adams Grocery Co 1457
Algoma Produce Co 1002
Barber, A. H., & Co 1186
Barfield & Brown 1491
Cox & Chappell Co 1460
Crosby & Meyers 1456, 1457, 1458, 1460, 1472, 1492
Cudahy Packing Co 1473
Elgin Dairy Co 1336
Fisher, E. R 1468, 1473
Fulghum, C. M., Co 1493
Jacques, S. R., & Tinsley Co 1458, 1472
Lake Zurich Creamery Co 1387
Newton, C. E., & Bro 1459
Novato French Cheese Factory 1168, 1169
Peacock, P. H 1459, 1493
Rappel, J. F., & Co 1494
Roughton-Halliburton Co 1479, 1494
Stevens, S. J., & Co 1183, 1467, 1470, 1479, 1491
Waxelbaum Produce Co 1456, 1470, 1492
Wieland Bros 1148, 1168, 1169
Cheese, cream:
Hart, Geo. S., & Co 1344
Wagener, F. W., & Co 1344
Cheese, Cream, Daisy:
Ferbend & Co 1421

[1] For index of Notices of Judgment 1–1000, see Notice of Judgment 1000; future indexes to be supplementary thereto.

FOODS—Continued.

Cheese, Cream, Mayflower: N. J. No.
Hagen, Ratcliffe & Co 1414
Stevens, S. J., Co 1414, 1431
Cheese, Daisy:
Barber, A. H., & Co 1359
Chambers, W. A., & Co 1384
Crosby & Meyers 1384
Cherries:
Early, James W 1333
Cherries, Crême de menthe:
Rheinstrom, Minna W 1432
Cherries, Maraschino:
Armour & Co 1327
Cheek, C. T., & Sons 1383
Cincinnati Extract Works 1383
International Fruit Products Co 1370
Mihalovitch Co 1370
Stone-Ordean-Wells Co 1439
Cherry jam. (*See* Jam, Cherry.)
Chestnuts:
Davis & Davis 1375
Stephens Bros 1378
Puffenbarger, A 1375
Chocolate:
Brewster Cocoa Mfg. Co 1332
Chocolate cherry fudge:
Schaeffer, James E 1351
Cider vinegar. (*See* Vinegar.)
Cinnamon extract. (*See* Extract, Cinnamon.)
Clams:
Aubin, D 1318
Clams, Little Neck:
Lawry, E. H 1273
Cloves:
Whitney, Farrington 1204
Clymer's Table Seerop Temtors:
St. Louis Syrup & Preserving Co 1367
Color, Egg. (*See* Egg color.)
Color, Green cake:
Forbes, James H., Tea & Coffee Co 1057
Color, Red cake:
Forbes, James H., Tea & Coffee Co 1057
Color, Yellow cake:
Forbes, James H., Tea & Coffee Co 1057
Condensed milk. (*See* Milk, Condensed.)
Continental gluten feed:
Continental Cereal Co 1293, 1294
Corn, Cracked:
Scott, S. D., & Co 1254
Corn bran. (*See* Bran, Corn.)
Corn flakes, Sugar:
Grain Products Co 1042
Scudders-Gale Grocer Co 1042
Corn meal:
Asheville Ice & Coal Co 1342
Asheville Milling Co 1342
Booth, B. D., & Co 1198, 1328
Corn sirup. (*See* Sirup, Corn.)
Cottonseed meal:
Buckeye Cotton Oil Co 1223
Wells, J. Lindsay, Co 1109
Cracked corn. (*See* Corn, Cracked.)
Crackers, Grant's hygienic:
Hygienic Health Food Co 1265
Cranberry jam. (*See* Jam, Cranberry.)
Cream: N. J. No.
Braun, Charles 1259
Humm, John W 1210
Johnson, A. E., jr 1214
Kephart, George M 1307
Mainhart, Charles C 1138
Moock, George B 1259
Ray, John P., jr 1425
Smith, Clinton E 1312
Thompson, William M 1160
Van Camp Packing Co 1211
Crême de menthe cherries. (*See* Cherries, Crême de menthe.)
"Crême wafels":
De Boer & Dik 1039
Crystal eggs. (*See* Eggs, Crystal.)
Currant preserves. (*See* Preserves, Currant.)
Daisy cream cheese. (*See* Cheese, Cream, Daisy.)
Desiccated eggs. (*See* Eggs, Desiccated.)
Dried egg albumen:
Jahn, W. K., Co 1300
Drips. (*See* Sirup.)
Egg color:
Wood & Selick 1103
Egg noodles. (*See* Noodles, Egg.)
Egg product:
St. Louis Crystals Egg Co 1108
Eggs, Crystal:
St. Louis Crystals Egg Co 1100, 1102
Eggs, Desiccated:
Armour & Co 1005
Crandall Petee Co 1143
Meyers & Hicks 1174
National Bakers Egg Co 1185
Smithson, Robert 1331
Weaver, C. H., & Co 1074
Eggs, Dried (albumen):
Jahn, W. K., Co 1300
Eggs, Frozen:
Bennett Howard & Co 1444
Dennett Howard Co 1116
Iowa Butter & Egg Co 1321
Kalchheim, Henry, & Co 1046, 1444
Keith, H. J., Co. (Inc.) 1027
Omaha Gold Storage Co 1296
Eggs, Powdered (albumen):
Jahn, W. K., Co 1389
Eggs, Preserved whole:
Hipolite Egg Co 1043 (suppl. to 508), 1438
Eggs, Shelled:
Newman, Ad., & Son 1202
Essences. (*See* Extracts.)
Evaporated milk. (*See* Milk, Evaporated.)
Extract, Almond:
California Perfume Co 1217
Forbes, James H., Tea & Coffee Co 1057
Extract, Almond (bitter):
Christiana Drug Co. (Inc.) 1126
Extract, Banana:
Forbes, James H., Tea & Coffee Co 1057
Extract, Cinnamon:
California Perfume Co 1217
Extract, Ginger:
Bettman-Johnson Co 1453

FOODS—Continued.

Extract, Ginger—Continued. N. J. No.
Forbes, James H., Tea & Coffee Co 1057
Rheinstrom, Minna W 1422, 1433
Extract, Ginger, Jamaica:
Hirsch, S., Distilling Co 1353
Minuet Cordial Co 1353
Extract, Jamaica ginger. (*See* Extract, Ginger, Jamaica.)
Extract, Lemon:
California Perfume Co 1229
Carpenter-Cook Co 1147
Christiani Drug Co. (Inc.) 1126
Compton, Charles 1029
Cook, Charles I 1147
Dennery, Charles 1188
Horton-Cato Mfg. Co 1266
Merten & Co 1264
Michigan Refining & Preserving Co 1147
Schorndorfer & Eberhard Co 1314
Extract, Orange:
California Perfume Co 1217
Forbes, James H., Tea & Coffee Co 1057
Extract, Peach:
Forbes, James H., Tea & Coffee Co 1057
Extract, Peppermint:
Bettman-Johnson Co 1454
Hudson Mfg. Co 1451
Christiani Drug Co. (Inc.) 1126
Fleischmann-Clark Co 1238
Hirsch, S., Distilling Co 1355
Kreielsheimer Bros 1442
Lyons, E. G., & Raas Co 1247
Mihalovitch Co 1402
Minuet Cordial Co 1355
Rheinstrom, Minna W 1422
Rosenblatt Co 1230
Extract, Pineapple:
Forbes, James H., Tea & Coffee Co 1057
Extract, Pistachio:
Western Candy & Bakers Supply Co 1041
Extract, Raspberry:
California Perfume Co 1217
Forbes, James H., Tea & Coffee Co 1057
Wellman, Peck & Co 1212
Extract, Rose geranium:
Forbes, James H., Tea & Coffee Co 1057
Extract, Strawberry:
California Perfume Co 1217
Forbes, James H., Tea & Coffee Co 1057
Wellman, Peck & Co 1212
Extract, Vanilla:
Acme Extract & Chemical Works 1292
Baumgartner, Andrew, Co 1281
Conwell, S. D., & Co 1216
Christiani Drug Co. (Inc.) 1126
Compton, Charles 1029
Eddy & Eddy Mfg. Co 1118
Haigh, William 1289, 1366, 1447, 1448
Junjalas & Psichos 1377
Manhattan Importing Co 1150
Pan American Mfg. Co 1158
Righter Mfg. Co 1061
St. Louis Coffee & Spice Mills 1099
Schwabacher Bros. & Co. (Inc.) 1429
Star Extract Works 1104
Extract, Vanilla—Continued. N. J. No.
Warner-Jenkinson Co 1166, 1449
Weston, Edward, Tea & Spice Co 1096
Extract, Vanilla and tonka:
California Perfume Co 1217
Extract, Wintergreen:
Christiani Drug Co. (Inc.) 1126
Feeds, Continental gluten:
Continental Cereal Co 1293, 1294
Feeds, Hammond dairy:
Western Grain Products Co 1094
Feeds, Peerless:
Smith, J. Allen, & Co. (Inc.) 1141
Feeds, Peerless horse:
Kidder, F. L., & Co 1176
Feeds. (*See also* Corn, Cracked; Middlings; Oats.)
Figletts:
Simpson, Charles S 1403
Snell & Simpson 1403
Figs:
Kusykin, J., & Co 1246
Fish. (*See* Bloaters; Hake; Herring; Shad.)
Flavor. (*See* Extract.)
Flour. (*See* Buckwheat flour.)
Frozen eggs. (*See* Eggs, Frozen.)
Fruit jelly. (*See* Jelly, Fruit.)
Fruit sirups. (*See* Sirups.)
Fudge, Chocolate cherry:
Schaeffer, James E 1351
Gelatin:
Bessire & Co 1365
Chalmers', James, Sons 1127, 1128
Ginger extract. (*See* Extract, Ginger.)
Gluten feed, Continental:
Continental Cereal Co 1293, 1294
Grant's hygienic crackers:
Hygienic Health Food Co 1265
Grape jam. (*See* Jam, Grape.)
Hake, Silver:
Allen, R. E., & Bro. Co 1411
Hammond dairy feed:
Western Grain Products Co 1094
Herring:
—— —— 1260
Cilly, J. H 1253
Honey:
Deiser, Albert A., & Co 1123
Hop cream:
Ogren, Charles F 1497
Hotch, Vermont maple butter:
Maple Tree Sugar Co 1164
Ice cream:
Rinchini, Louis 1450
Ice cream, Chocolate:
Stephen, Felip 1446
Ice cream, Vanilla:
Stephen, Felip 1446
Ice-cream cones:
Blue Seal Ice Cream Co 1395
Consolidated Wafer Co 1073, 1395
Eagle Mfg. Co 1315
Star Wafer Co 1301, 1426
Jam, Apricot:
McMechen Preserving Co 1276

FOODS—Continued.

Jam, Blackberry: N. J. No.
McMechen Preserving Co 1276
National Pickle & Canning Co. (Dodson-Braun Branch) 1097
Jam, Cherry:
California Fruit Canners' Association 1235
Jam, Cranberry:
Pioneer Preserving Co 1406
Jam, Grape:
California Fruit Canners' Association 1249
Jam, Peach:
McMechen Preserving Co 1276
Pioneer Preserving Co 1398
Jam, Quince:
McMechen Preserving Co 1276
Jam, Raspberry:
McMechen Preserving Co 1276
Jam, Strawberry:
California Fruit Canners' Association 1235
McMechen Preserving Co 1276
Jelly, Apple:
Van Lill, S. J., Co 1393
Jelly, Apple flavor:
McMechen Preserving Co 1276
Jelly, Fruit:
Huffman, W. D 1207
Indianapolis Canning Co 1207
Scully, D. B., Syrup Co 1172
Jelly, Raspberry:
California Fruit Canners' Association 1235
Ketchup. (*See* Tomato ketchup.)
Lemon juice, Brooke's Lemos:
Brooke, C. M., & Sons 1413
Lemon oil:
Heine & Co 1220
Lemos, Brooke's:
Brooke, C. M., & Sons 1413
London creams (candy):
Bradley-Smith Co 1243
Macaroni:
Cini, D 1357
Maull Bros 1278
Puglisi, Antonio 1471
Russo, G., & Sons 1368
Spicola, Francesco 1471
Spiropoulos & Costalupes 1324
Union Macaroni Co 1374
Viviani, V., & Bro 1412
Youngstown Mfg. Co 1145
Macaroni. (*See also* Noodles; Spaghetti.)
Maple butter hotch, Vermont:
Maple Tree Sugar Co 1164
Maple sirup. (*See* Sirup, Maple.)
Maple sugar:
Arcadia Maple Co 1309
Brokaw Merchandise Co 1015
Standard Syrup Co 1101
Maple sugar butter, Cane and:
Marshalltown Syrup & Sugar Co 1121, 1122
Maraschino cherries. *See* Cherries, Maraschino.)
Mayflower cream cheese. (*See* Cheese, Cream, Mayflower.)
Meal. (*See* Alfalfa meal; Corn meal; Cottonseed meal.)
Meat food products: N. J. No.
Fairbanks Meat Co 1476
Pacific Cold Storage Co 1476
Middlings:
Model Mill Co. (Inc.) 1142
Milk:
Barnesley, George H 1136
Bayliss, George H 1137
Blanche, George 1489
Boberink, Henry A 1083
Bohke, Chris 1083
Braun, Charles 1259
Coffee, James F 1083
Cox, James 1083
Grove, John W 1310
Hershey, Eli N 1424
Hildebrand, George L 1209
Hill, Almon 1486
Holt, W. D 1490
Hudson, Leonard 1083
Jackson, J. M 1484
Kenison, H. C 1360
Koechlin, E. J 1083
Lewis, Joseph F 1423
McAvoy, Dan 1083
Moock, George B 1259
Null, Wm. C 1133
Orme, Wm. H., jr 1134
Oser, Charles 1083
Plump, J. T 1083
Regel, Henry 1092
Rounds, E. R 1130
Schaeffer, Edward T 1498
Schuck, A. H 1083
Schuck, Jerome 1083
Schulte, L. H 1083
Shorten, J. W 1129
Smith, Charles E 1083
Smith, Howard L 1161
Spaulding, H. E 1485
Thomas, Harry L 1311
Thomas, Russel C 1236
Walter, Chas. A 1132
Wilder, W. C 1487
Zimmerman, Benjamin F 1131
Zimmerman, Harvey L 1499
Yeaton, George H 1488
Milk, Condensed:
Delavan Condensed Milk Co 1028
Libby, McNeill & Libby 1117
White Hall Condensed Milk Co 1069
Milk, Evaporated:
Cache Valley Condensed Milk Co 1496
Faultless Condensed Milk Co 1052, 1478
Gordon, B. L., & Co 1496
M. & O. Milk Co 1114
Peltason Co 1478
Milk, Powdered:
Merrell-Soule Co 1303
Tulin, William J 1033
Wood & Selick 1364
Mincemeat:
Brenneman, W. H 1067
Molasses:
Corn Products Refining Co 1461

FOODS—Continued.

Molasses temtors: N. J. No.
St. Louis Syrup & Preserving Co..... 1399
Moyune brand extracts:
Forbes, James H., Tea & Coffee Co..... 1057
Mushrooms:
Arbuckle & Co..... 1037
Mustard:
Mount Pickle Co..... 1319
Seabury & Co..... 1419
Westmoreland Specialty Co..... 1419
Wilde, Joseph P..... 1239
New Amsterdam Dutch rusk:
American Pastry & Mfg. Co..... 1415
Michigan Tea Rusk Co..... 1415
Noodles. (*See also* Macaroni; Spaghetti.)
Noodles, Egg:
Maas Baking Co..... 1181
Northern Ohio sugar:
Standard Syrup Co..... 1101
Nutmegs:
German, Lewis, & Co..... 1180
Oats:
Gibbons, John T..... 1250
Grier, T. A., & Co..... 1165
Logan, Thomas M..... 1171
Pendleton Grain Co. (Inc.)..... 1250
Rothschild, D., Grain Co..... 1208
Wells, Jos. L..... 1146
Oil. (*See* Lemon oil; Olive oil.)
Oleomargarin:
Steele, Jesse A..... 1115
Wisconsin Creamery Co..... 1115
Olive oil:
Barbara, Frank..... 1305
Carrao, Francesco..... 1155
Cusimano & Tujague Co..... 1062
Marchesini, Artura..... 1404
Schwabacher Bros. & Co. (Inc.)..... 1434
Tujague, Leon..... 1062
Olives:
Greek Trading Co..... 1275
Psiaki, Alco G..... 1047, 1048
Orange extract. (*See* Extract, Orange.)
Orange sirup. (*See* Sirup, Orange.)
Oysters:
Bailey, James C..... 1385
Conklin, Henry R..... 1481
Decker, Garrett F., & Co..... 1192
Hayden, H. A..... 1386
Hayden, William H..... 1382
Martin, C. W., Co..... 1337
Sprague & Doughty..... 1380
Paprika:
Atlantic & Pacific Tea Co..... 1066
McCormick & Co.... 1153, 1341 (suppl. to 1153)
Peach, apple, and sugar, preserved:
St. Louis Syrup & Preserving Co..... 1038
Peach apple preserves. (*See* Preserves, Peach apple.)
Peach extract. (*See* Extract, Peach.)
Peach jam. (*See* Jam, Peach.)
Peaches:
Seeley, A. B., & Son..... 1262
Peanuts:
Dixie Peanut Co..... 1372
Edenton Peanut Co..... 1263
Peas: N. J. No.
Boyle, John, Co..... 1280
Pecan creams:
Schaeffer, James E..... 1351
Peerless feed:
Smith, J. Allen, & Co. (Inc.)..... 1141
Peerless horse feed:
Kidder, F. L., & Co..... 1176
Pepper:
Cobb Mfg. Co..... 1257
Eddy & Eddy Mfg. Co..... 1118
Pepper, Cayenne:
Hanley & Kinsella Coffee & Spice Co..... 1013
Peppermint extract. (*See* Extract, Peppermint.)
Phosphate:
Provident Chemical Works..... 1203
Pineapple extract. (*See* Extract, Pineapple.)
Pistachio extract. (*See* Extract, Pistachio.)
Powdered egg albumen:
Jahn, W. K., Co..... 1389
Powdered milk. (*See* Milk, Powdered.)
Preserved peach, apple, and sugar:
St. Louis Syrup & Preserving Co..... 1038
Preserved whole eggs. (*See* Eggs, preserved, whole.)
Preserves, Currant:
Flaccus, E. C., Co..... 1081
Preserves, Peach apple:
Van Lill, S. J., Co..... 1391
Preserves, Quince apple:
Van Lill, S. J., Co..... 1391
Preserves, Strawberry:
Knights, Alonzo A., & Son..... 1302
Pureé, Tomato. (*See* Tomato purée.)
Quince apple preserves. (*See* Preserves, Quince apple.)
Quince jam. (*See* Jam, Quince.)
Raisins:
Griffith, R. C., & Co..... 1274
Raspberry extract. (*See* Extract, Raspberry.)
Raspberry jam. (*See* Jam, Raspberry.)
Raspberry jelly. (*See* Jelly, Raspberry.)
Raspberry sirup. (*See* Sirup, Raspberry.)
Rice:
Alliance Rice & Milling Co..... 1177
Burkenroad-Goldsmith Co., Ltd..... 1340
Cormier, Chas. E., Rice Co..... 1177
Griggs, Cooper & Co..... 1177
Louisiana Molasses Co..... 1030
Seabury & Co..... 1388
Vallee, P. E., & Co..... 1388
Weston, Edward, Tea & Spice Co..... 1361
Rose geranium extract. (*See* Extract, Rose geranium.)
Rosebud drips sirup:
Gordon Syrup & Pickle Co..... 1240
Rusk, New Amsterdam Dutch:
American Pastry & Manufacturing Co.... 1415
Michigan Tea Rusk Co..... 1415
Saffron:
Buhl Mills Co..... 1288
Proctor, William M., Co..... 1288
Salad oil. (*See* Olive oil.)

FOODS—Continued.

Sardines: N. J. No.
New, Frank, Co ... 1299
Seerop Temtors, Clymer's Table:
St. Louis Syrup & Preserving Co ... 1367
Shad:
—— ——. ... 1087
—— ——. ... 1088
Claxton, Richard W ... 1021
Shelled eggs. (*See* Eggs, Shelled.)
Sirup, Alaga Alabama-Georgia:
Alabama-Georgia Syrup Co ... 1187
Sirup, Cane and maple, Butterfly:
Gordon Sirup Co ... 1394
Sirup, Clymer's Table Seerop Temtors:
St. Louis Syrup & Preserving Co ... 1367
Sirup, Corn and sorghum (Farmer Jones):
Fort Scott Sorghum & Corn Sirup Co ... 1475
Sirup, Maple:
Huntington Maple Syrup & Sugar Co ... 1445
Sirup, Maple and cane, Butterfly:
Gordon Sirup Co ... 1394
Sirup, Orange (blood):
Stewart & Holmes Drug Co ... 1156
Sirup, Raspberry:
Stewart & Holmes Drug Co ... 1156
Sirup, Rosebud drips:
Gordon Sirup & Pickle Co ... 1240
Sirup, Sorghum and corn (Farmer Jones):
Fort Scott Sorghum Sirup Co ... 1475
Sodic aluminic sulphate:
Superior Chemical Co ... 1105
Sorghum sirup. (*See* Sirup, Sorghum.)
Spaghetti:
Spiropoulos & Costalupes ... 1324
Spaghetti. (*See also* Macaroni; Noodles.)
Strawberry extract. (*See* Extract, Strawberry.)
Strawberry jam. (*See* Jam, Strawberry.)
Strawberry preserves. (*See* Preserves, Strawberry.)
Sugar corn flakes:
Grain Products Co ... 1042
Scudders-Gale Grocer Co ... 1042
Sugar, Maple. (*See* Maple sugar.)
Sugar, Northern Ohio:
Standard Syrup Co ... 1101
Sulphate, Sodic aluminic:
Superior Chemical Co ... 1105
Temtors, Clymer's Table Seerop:
St. Louis Syrup & Preserving Co ... 1367
Temtors, Molasses:
St. Louis Syrup & Preserving Co ... 1399
Tomato ketchup:
Alart & McGuire ... 1427
Anderson Canning Co ... 1004
Atlas Preserving Co ... 1269, 1381
Bicklen Winzer Grocer Co ... 1329
Blue Grass Canning Co ... 1195
Burlington Vinegar & Pickle Co ... 1003
California Fruit Canners' Association ... 1235
Chance's, R. C., Sons ... 1006
Corey, Henry B ... 1427
Edler, Fred C ... 1054
Farmer's Loan & Trust Co ... 1427
Frazier Packing Co ... 1162, 1163, 1175, 1352
Guenther, J. Ed ... 1320
Tomato ketchup—Continued. N. J. No.
Harbauer-Marleau Co ... 1034, 1316, 1329, 1334
Huss-Edler Preserve Co ... 1054
Jersey Packing Co ... 1358
Kansas City Conserve Co ... 1405
Kokoma Canning Co ... 1224
Leroux Cider & Vinegar Co ... 1095
Lewis Packing Co ... 1241
McCord-Brady Co ... 1034
McMechen Preserving Co ... 1080, 1276
National Pickle & Canning Co. (Dodson-Braun Branch) ... 1072, 1098
New Blue Grass Canning Co ... 1320
Philadelphia Pickling Co ... 1075
Polk, J. T., Co ... 1090
Pressing & Orr Co ... 1213
Snyder, T. A., Preserve Co ... 1346, 1358
Soper, A. C., & Co ... 1055, 1326, 1436
Spraul, George, Packing Co ... 1044, 1271 (suppl. to 1044)
Weller, H. N., & Co ... 1196
Weller, J., Co ... 1199, 1201
Tomato ketchup, Oyster Bay Brand:
—— ——. ... 1085
Tomato ketchup, Pioneer Brand:
—— ——. ... 1086
Tomato paste:
Delgaizio, Florinda ... 1477
Garamone, Frank A ... 1477
Gross, Ignatius, Co ... 1469
Horner, Henry & Co ... 1008
Kelty, Samuel L ... 1227
Polinsky, H ... 1001
Roncoroni, Pietro, Co ... 1053, 1065, 1231
Salem Canning Co ... 1338
Tomato pulp:
Ayars, B. S., & Sons Co ... 1064, 1396, 1437, 1462, 1463
Boehm & Holzkamp ... 1462
Dana, Anna L ... 1407
Dana, John ... 1407
Guenther, J. Ed ... 1320
Hearn Co ... 1267
Lord-Mott Co ... 1107
New Blue Grass Canning Co ... 1320
Phillips Packing Co ... 1261
Summers, Charles G., & Co. (Inc.) ... 1268
Torsch Packing Co ... 1270
Tomato purée:
Guenther, J. Ed ... 1320
New Blue Grass Canning Co ... 1106, 1320
Tomato sauce:
Delgaizio, Florinda ... 1477
Garamone, Frank A ... 1477
Gross, Ignatius, Co ... 1242
Tomatoes:
Ayars, Clinton B., Canning Co ... 1237
Langrall, J., & Bro ... 1482
Pearson, A. E., & Son ... 1371
Polk, J. T., Co ... 1090
Tonka and compound, Vanilla:
Creamery Dairy Co ... 1306
Hudson Mfg. Co ... 1306
Tonka extract, Vanilla and. (*See* Extract, Vanilla and tonka.)

FOODS—Continued.

Vanilla, All-bean: N.J. No.
Warner-Jenkinson Co. 1449
Vanilla extract. (*See* Extract, Vanilla.)
Vanilla tonka and compound:
Creamery Dairy Co. 1306
Hudson Mfg. Co. 1306
Vermont maple butter hotch:
Maple Tree Sugar Co. 1164
Vinegar:
——— ——. 1036
Barrett & Barrett. 1206
Board, Armstrong & Co. 1023, 1297
Callahan, A. P., & Co. 1151
Caro Vinegar Co. 1418
Chandler, B. T., & Son. 1050, 1059, 1349
Chandler, Earl. 1349
Erdmann's, H., Sons. 1184
Fleischman Vinegar Works. 1285
Gregory, D. J., Vinegar Co. 1308
Harbauer-Marleau Co. 1193, 1287
Lewis Packing Co. 1241
Louisville Cider & Vinegar Works. 1225
Vinegar—Continued. N.J. No.
Oakland Vinegar & Pickle Co. 1060
Ogden, H. H. 1410
Pacific Honey Co. 1410
Prussing Bros. 1304
Queen City Cider Vinegar Mfg. Co. 1110
Robinson Cider Vinegar Co. 1258
Sharp Elliot Mfg. Co. 1007, 1363
Southern Cider & Vinegar Co. 1252
Spielmann Bros. Co. 1159, 1200, 1298, 1441
Vermont Fruit Co. 1167
Wilson, W. J., & Son. 1119, 1120, 1290
Zinke Mercantile Co. 1050
"Wafels, Crême":
De Boer & Dik. 1039
Wheat:
Hall Baker Grain Co. 1135, 1173
Walker Grain Co. 1173
Whiting. (*See* Hake, Silver.)
Wintergreen extract. (*See* Extract, Wintergreen.)

BEVERAGES, INCLUDING WATERS AND MEDICATED DRINKS.

N.J. No.
Apricot brandy. (*See* Brandy, Apricot.)
Beer:
Benwood Brewing Co. 1272
"Bernardine":
Lyons, E. G., & Raas Co. 1247
Berry Hill mineral water:
Berry Hill Mineral Spring Co. 1251
Blackberry brandy. (*See* Brandy, Blackberry.)
Blackberry cordial:
Arrow Distilleries Co. 1205
Bettman-Johnson Co. 1440
Lyons, E. G., & Raas Co. 1247
Rheinstrom, Minna W. 1430
Brandy, apricot:
Pure Food Distilling Co. 1435
Schlesinger & Bender. 1248
Brandy, blackberry:
Pure Food Distilling Co. 1435
Brandy, Ginger:
Schlesinger & Bender. 1248
Buchu gin. (*See* Gin, Buchu.)
"Cacao, Crême de":
Lyons, E. G., & Raas Co. 1247
"Cassis, Crême de:"
Lyons, E. G., & Raas Co. 1247
Champagne. (*See* Wine, Champagne.)
Chateau Yquem:
Napa & Sonoma Wine Co. 1417
Cherry soda-water flavor, Special wild:
Blue Seal Supply Co. 1040
Cider:
Tip Top Bottling Co. 1362
Clarendon natural mineral spring water:
Clarendon Mineral Spring Co. 1392
Murray, Robert. 1392
Clearo:
Clearo Manufacturing & Bottling Works. 1500
Ogren, Charles F. 1500
N.J. No.
Coca Cola:
Coca Cola Co. 1455
Coffee:
Bour, J. M., Co. 1286
Brokaw Merchandise Co. 1014
Climax Coffee & Baking Powder Co. 1017 (suppl. to 55)
Force, W. H., & Co. 1317
International Coffee Co. 1190, 1191, 1233
Israel, Leon, & Bros. 1084
Kenny, C. D., Co. 1279
McLaughlin, W. F., & Co. 1112
Mitchell Bros. 1317
Smith Bros. Co. (Ltd.). 1295
Wilde's, Samuel, Sons Co. 1125
Coffee essence:
Zverina, A. 1189
Cordial. (*See* Blackberry cordial.)
Cream of hops:
Temperance Beverage Co. 1420
"Crême de Cacao":
Lyons, E. G., & Raas Co. 1247
"Crême de Cassis":
Lyons, E. G., & Raas Co. 1247
Curaçao, Orange:
Lyons, E. G., & Raas Co. 1247
Essence, Coffee. (*See* Coffee essence.)
Extract, Malt. (*See* Malt extract.)
Gin, Buchu:
Lobe, Phillip, & Son. 1480
Gin, Mobile Buck:
Blumenthal & Bickert (Inc.). 1089
Gin, Piccadilly dry:
Sutton, Carden & Co. (Ltd.). 1347
Gin, Turkey:
Straus, Gunst & Co. 1255
Ginger ale:
Beaufont Lithia Water Co. 1026
Ginger brandy. (*See* Brandy, Ginger.)

BEVERAGES, INCLUDING WATERS AND MEDICATED DRINKS—Continued.

Grape juice: N. J. No.
Bass Islands Vineyards Co 1348
Duroy & Haines Co 1283
Flickinger, S. M., Co 1045
Granger, W. H., & Co 1045
Grape Products Co. (Inc.) 1045
Plimpton, Cowan & Co 1045
Hop tonic:
Temperance Beverage Co 1420
Malt extract:
Hamm, Theodore, Brewing Co 1397
Mobile Buck Gin:
Blumenthal & Bickert (Inc.) 1089
Niersteiner:
Bettman-Johnson Co 1452
Orange curaçao. (*See* Curaçao, Orange.)
Piccadilly Dry Gin:
Sutton, Carden & Co. (Ltd.) 1347
Royal lithia water:
Anderson, William H 1032
Sarsaparilla:
Beaufont Lithia Water Co 1466
Sirup, Tamarind:
Bernogozzi, W. P 1082
Soda-water flavor, Cherry:
Blue Seal Supply Co 1040
Soda-water sirup cola:
Hutchinson, W. H., & Son 1031
Special wild-cherry soda-water flavor:
Blue Seal Supply Co 1040
Tamarind sirup. (*See* Sirup, Tamarind.)
Tate Spring natural mineral water:
Tate Spring Co 1140
Tomlinson, Oscar R 1140
Turkey gin. (*See* Gin, Turkey.)
Vermouth:
Hirsch, S., Distilling Co 1354
Vermouth—Continued. N. J. No.
Minuet Cordial Co 1354
Water, Berry Hill mineral:
Berry Hill Mineral Spring Co 1251
Water, Clarendon natural mineral spring:
Clarendon Mineral Spring Co 1392
Murray, Robert 1392
Water, Royal lithia:
Anderson, William H 1032
Water, Tate Spring natural mineral:
Tate Spring Co 1140
Tomlinson, Oscar R 1140
Water, Whittle's epsom-lithia:
Whittle Springs Co 1139
Whisky:
McCormack, J. A 1111
Whittle's epsom-lithia water:
Whittle Springs Co 1139
Wine:
Bettman-Johnson Co 1483
Dorn, John G 1016 (suppl. to 83)
Schmidt, A., jr., & Bros. Wine Co 1016 (suppl. to 83)
Sweet Valley Wine Co 1016 (suppl. to 83)
Wine, Champagne:
Bardenheier, John, Wine & Liquor Co 1144
Diamond Wine Co. (Inc.) 1144
Finke's, A., Widow 1020
Groezinger, Emile A 1020
Lyons, E. G., & Raas Co 1247
Ripin & Co 1149
Schraubstadter, Ernest 1020
Wilson Fruit Juice Co 1226
Wine, Chateau Yquem:
Napa & Sonoma Wine Co 1417
Wine, Niersteiner:
Bettman-Johnson Co 1452

DRUGS.

Antikamnia tablets: N. J. No.
Antikamnia Chemical Co 1056
Antimalarico, Ferro-China:
Saunig, A., & Co 1222
Asthma, Dr. Tucker's specific for:
Tucker, Nathan 1077
Asthma cure, Stello's:
Muller, William H 1179
Baby's Friend, Kopp's:
Kopp, Mrs. J. A 1068
Balsam, Denton's healing:
Hall & Ruckel 1464, 1465
Beauty cream, Kintho:
Kintho Mfg. Co 1379
Beef, iron, and wine:
Kent Drug Co 1474
Berry's freckle ointment:
Berry, Dr. C. H., Co 1376
Bitters, Fernet-Branca:
Maiolatesi, D., & Co 1284
Bitters (Fernet Milano):
Italian Importing Co 1152
Bitters, Ferro-China Bisleri-Bislcri's:
Maiolatesi, D., & Co 1284
Boro Pepsin, Laxative:
Senoret Chemical Co 1232
Brain Restorative, Dr. Peeble's: N. J. No.
Peeble's, Dr., Institute of Health (Ltd.). 1079
Camphor:
Middleton, L. D 1428
Cancer, Dr. Johnson's mild combination treatment for:
Johnson, O. A 1058 (suppl. to 266)
Catarrh cure, Hall's:
Cheney, F. J 1182
Cheney Medicine Co 1182
Cerrodanie capsules:
Cerrodanie Co 1025
Jameson, Samuel H 1025
Cherry balsam, Dr. Kennedy's:
Kennedy, Dr. David, Co 1234
Chewing gum. (*See* Gum, Chewing.)
Cholera mixture, Sun:
Merchants' Drug Corporation 1063
Coca calisaya:
Shepard Pharmacal Co 1219
Cocktail, gold medal coffee:
Mihalovitch Co 1282
Cod-liver oil cream, Morse's:
Morse, Hazen 1221
Coderre's Infants' sirups:
Mortimer, George, & Co 1277

DRUGS—Continued.

Coffee cocktail, gold medal: N. J. No.
Mihalovitch Co 1282
Colocynth, Powdered:
Woodward, Allaire, & Co 1012
Cough drops, Williams' Russian:
Williams, J. D., & Bro. Co 1197
Cream, Morse's (cod-liver oil):
Morse, Hazen 1221
Croup remedy, Hoxsie's:
Kells Co 1218
Denton's healing balsam:
Hall & Ruckel 1464, 1465
Detchon's, Dr., relief for rheumatism:
Detchon, I. A 1091
Detchon's, Dr., relief for rheumatism tablets:
Detchon, I. A 1091
Dixie fever and pain powder:
Morris-Morton Drug Co 1178
Drug-habit cure:
St. James Society 1291
Epilepsy cure:
Peeble's, Dr., Institute of Health (Ltd.). 1079
Epilepsy remedy, Dr. Lindley's:
Hollowell, A. K 1093
New Vienna Medicine Co 1093
Epilepsy treatment, Dr. Towns':
Towns', Dr., Medical Co 1170
Fernet-Branca bitters:
Maiolatesi, D., & Co 1284
(Fernet milano) bitters:
Italian Importing Co 1152
Ferro-China Antimalarico:
Saunig, A., & Co 1222
Ferro-China Bisleri-Bisleri's bitters:
Maiolatesi, D., & Co 1284
Fever and pain powder, Dixie:
Morris-Morton Drug Co 1178
Freckle ointment, Berry's:
Berry, Dr. C. H., Co 1376
German headache powder:
Tallman, Warren D 1350
Gessler's magic headache wafers:
Gessler, Max 1051
Gold medal coffee cocktail:
Mihalovitch Co 1282
Gum, Chewing:
Sterling Remedy Co 1078
Hair balsam:
Wells, E. S 1228
Hall's catarrh cure:
Cheney, F. J 1182
Cheney Medicine Co 1182
Headache powder, German:
Tallman, Warren D 1350
Headache powders, Peck's:
Peck-Johnson Co 1157
Headache wafers, Gessler's magic:
Gessler, Max 1051
Herculine tonic, Dr. Kennedy:
Kennedy, Dr. David, Co 1234
Hoxie's croup remedy:
Kells Co 1218
Hydrogen peroxid:
Langley & Michaels Co 1390
Infants' sirup, Coderre's: N. J. No.
Mortimer, George, & Co 1277
Iron, and wine, Beef:
Kent Drug Co 1474
Johnson's, Dr., mild combination treatment for cancer:
Johnson, O. A ..... 1058 (suppl. to 266)
Kamala round:
Woodward, Allaire & Co 1011
Kennedy's, Dr., cherry balsam:
Kennedy, Dr. David, Co 1234
Kennedy's, Dr., Herculine tonic:
Kennedy, Dr. David, Co 1234
Kennedy, Dr., worm sirup:
Kennedy, Dr. David, Co 1234
Kintho beauty cream:
Kintho Mfg. Co 1379
Kline's, Dr., Great nerve restorer:
Kline, Dr. R. H., Co 1070
Kopp's Baby's Friend:
Kopp, Mrs. J. A 1068
La Sanadora:
Romero, Benigo 1076
Laudanum:
Merchant's Drug Corporation 1063
Laxative Boro Pepsin:
Senoret Chemical Co 1232
Lindley's, Dr., epilepsy remedy:
Hollowell, A. K 1093
New Vienna Medicine Co 1093
Moffett's, Dr., Teethina:
Flourney, T. N 1019
Moffett, C. J., Medicine Co 1019
Morphine cure:
Lexington Drug & Chemical Co 1495
Morse's cream:
Morse, Hazen 1221
Nerve-tonic, Dr. Peeble's:
Peeble's, Dr., Institute of Health (Ltd.).. 1079
Nerve restorer, Dr. Kline's great:
Kline, Dr. R. H., Co 1070
Niter, Sweet spirits of:
Merchants' Drug Corporation 1063
Oxidine:
Patton-Worsham Drug Co 1035
Pain powder, Dixie fever and:
Morris-Morton Drug Co 1178
Peck's headache powders:
Peck-Johnson Co 1157
Peeble's, Dr., Brain Restorative:
Peeble's, Dr., Institute of Health (Ltd.).. 1079
Peeble's, Dr., Nerve-Tonic:
Peeble's, Dr., Institute of Health (Ltd.).. 1079
Pepsin, Laxative Boro:
Senoret Chemical Co 1232
Peroxid cream, A. D. S.:
American Druggists Syndicate 1194
Peroxide of hydrogen. (*See* Hydrogen peroxid.)
Pink root:
Rosenbaum, Isaac & Sons 1339
Radio-sulpho:
Schuch, Philip, jr 1049
Radio-sulpho brew:
Schuch, Philip, jr 1049

DRUGS—Continued.

Rheumatic cure: N.J.No.
Fitch Remedy Co.... 1024
Rheumatism, Dr. Detchon's relief for:
Detchon, I. A.... 1091
Rheumatism tablets, Dr. Detchon's relief for:
Detchon, I. A.... 1091
Senna, Alex., powdered:
Huber & Fuhrman Drug Mills.... 1009, 1010
Soothing sirup, Wood's:
Wood, William J.... 1322
Stello's asthma cure:
Muller, William H.... 1179
Sun cholera mixture:
Merchants' Drug Corporation.... 1063
Sweet spirits of niter:
Merchants' Drug Corporation.... 1063
Sweet's honey vermifuge:
Van Vleet-Mansfield Drug Co.... 1113
Teethina, D. Moffett's:
Flourney, T. N.... 1019
Moffett, C. J., Medicine Co.... 1019
Towns', Dr., epilepsy treatment: N.J.No.
Towns', Dr., Medical Co.... 1170
Tucker's, Dr., specific for asthma:
Tucker, Nathan.... 1077
Turpentine:
American Coffee Co.... 1443
Bang, Charles.... 1373
Barclay Naval Stores Co.... 1373
Gilman, Z. D.... 1022
Pennsylvania Alcohol & Chemical Co.... 1124
Vermifuge, Sweet's honey:
Van Vleet-Mansfield Drug Co.... 1113
"Vino Vito":
American Cordial & Distilling Co.... 1215
Williams's Russian cough drops:
Williams, J. D., & Bro. Co.... 1197
Wine, Beef, iron, and:
Kent Drug Co.... 1474
Wood's soothing sirup:
Wood, William J.... 1322
Worm syrup, Dr. Kennedy's:
Kennedy, Dr. David, Co.... 1234